

# CITY OF ARCADIA

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## City Council Regular Meeting Agenda



**Tuesday, December 19, 2023, 7:00 p.m.**

**Location: City Council Chamber, 240 W. Huntington Drive, Arcadia**

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the City Clerk at (626) 574-5455. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

根据《美国残障人法案》，需要调整或提供便利设施才能参加会议的残障人士（包括辅助器材或服务）可与市书记官办公室联系（电话：(626) 574-5455）。请在会前 48 小时通知市书记官办公室，以便作出合理安排，确保顺利参加会议。

Pursuant to the City of Arcadia's Language Access Services Policy, limited-English proficient speakers who require translation services in order to participate in a meeting may request the use of a volunteer or professional translator by contacting the City Clerk's Office at (626) 574-5455 at least 72 hours prior to the meeting.

根据阿凯迪亚市的语言便利服务政策，英语能力有限并需要翻译服务才能参加会议的人可与市书记官办公室联系（电话：(626) 574-5455），请求提供志愿或专业翻译服务，请至少在会前 72 小时提出请求。

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### How to Submit Public Comment:

Members of the Public who wish to submit public comment may do so using one of the following methods. Public comment is limited to the time and words allotted.

1. **In-Person:** Complete a Speaker Card, indicating the agenda item number and submit it to the City Clerk prior to the meeting, or simply come to the podium when the Mayor asks for those who wish to speak. Speakers shall be limited to five (5) minutes per person. At the Mayor's discretion, the time limit may be shortened to allow all speakers to address the City Council.

Electronic submission of Public Comment is also available via the City's website or by email as noted below. Public Comment submitted electronically will not be read into the record at the posted meeting time but are forwarded to the City Council prior to the meeting for consideration.

1. **Website:** Please submit your comments using our online public comment form at [ArcadiaCA.gov/comment](https://ArcadiaCA.gov/comment). Your comments must be received at least 30 minutes prior to the posted meeting time.
2. **Email:** Please submit your comments via email to [CityClerk@ArcadiaCA.gov](mailto:CityClerk@ArcadiaCA.gov). Your comments must be received at least 30 minutes prior to the posted meeting time.

### 如何提交公众评论意见：

公众成员可以使用以下任何一种方法提交公众评论意见。请在时间和字数的限制范围内提交公众评论意见。

1. **亲自出席：**填写一张发言人卡片，注明议程项目编号，然后在会议开始前提交给市书记官，或者在市长询问公众发言时，直接到讲台上发言。每位发言人的发言时间不得超过五（5）分钟。市长可自行决定缩短发言限制时间，以便允许所有发言人向市议会表达自己的意见。

亦可按照以下方法在本市网站上或通过电子邮件以电子方式提交公众评论意见。以电子方式提交的公众评论意见不会在公布的会议期间读入记录，但会在会议开始前转交给市议会，供市议会考虑。

1. **网站：**请使用以下网站中刊载的在线公众评论意见表提交您的评论意见：[ArcadiaCA.gov/comment](http://ArcadiaCA.gov/comment)。必须在公布的会议时间前至少提前 30 分钟提交评论意见。
2. **电子邮件：**请将您的评论意见通过电子邮件发送至：[CityClerk@ArcadiaCA.gov](mailto:CityClerk@ArcadiaCA.gov)。必须在公布的会议时间前至少提前 30 分钟提交评论意见。

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## 1. CALL TO ORDER

## 2. INVOCATION

Pastor Terrence Shay, Arcadia Police Department Chaplain

## 3. PLEDGE OF ALLEGIANCE

Girl Scout Troop 945

## 4. ROLL CALL OF CITY COUNCIL MEMBERS

April A. Verlato, Mayor  
Michael Cao, Mayor Pro Tem  
Paul P. Cheng, Council Member  
Sharon Kwan, Council Member  
Eileen Wang, Council Member

## 5. SUPPLEMENTAL INFORMATION FROM CITY MANAGER REGARDING AGENDA ITEMS

## 6. PRESENTATIONS

- a. Presentation of Mayor's Certificate of Commendation to the Rio Hondo Prep Football Team for winning the CIF Southern Championship Section, Division 9 Title.
- b. Presentation of Mayor's Certificate of Commendation to the Arcadia Performing Arts Foundation.

## 7. PUBLIC HEARING

- a. Resolutions and Ordinance related to General Plan Amendment No. GPA 22-01, Zone Change 22-01, Minor Use Permit No. MUP 22-02, Architectural Design Review No. ADR 22-06, a density bonus, and a lot line adjustment along with an Environmental Impact Report under the California Environmental Quality Act ("CEQA") for "The Derby Mixed-Use Development", with 214 residential units, including 9 affordable units, located at 233 & 301 E. Huntington Drive.

Resolution No. 7530 adopting CEQA findings of fact, adopting a Mitigation Monitoring and Reporting Program, and certifying the Final Environmental Impact Report for “The Derby Mixed-Use Development” with 214 residential units, including 9 affordable units, located at 233 & 301 E. Huntington Drive.

Recommended Action: Adopt

Resolution No. 7531 approving General Plan Amendment No. GPA 22-02 to amend the General Plan Land Use Designation for the properties at 233 & 301 E. Huntington Drive from “Commercial” to “Downtown Mixed Use,” and revise the General Plan Land Use Map to reflect the changes.

Recommended Action: Adopt

Resolution No. 7532 approving Minor Use Permit No. MUP 22-02, Architectural Design Review No. ADR 22-06, a density bonus, and a lot line adjustment along with an Environmental Impact Report under the California Environmental Quality Act (“CEQA”) for the “Derby Mixed-Use Development” located at 233 & 301 E. Huntington Drive.

Recommended Action: Adopt

Ordinance No. 2398 amending the zoning designation of the properties at 233 & 301 E. Huntington Drive from “CG - General Commercial” to “DMU-Downtown Mixed Use” with a height overlay of H7 with respect to the “Derby Mixed-Use Development” and make revisions to the Zoning Map to reflect the zone changes for these properties.

Recommended Action: Introduce

## **8. PUBLIC COMMENTS (5-minute time limit each speaker)**

Any person wishing to speak before the City Council is asked to complete a Speaker Card and provide it to the City Clerk prior to the start of the meeting. Each speaker is limited to five (5) minutes per person, unless waived by the City Council. Under the Brown Act, the City Council is prohibited from discussing or taking action on any item not listed on the posted agenda.

## **9. REPORTS FROM MAYOR, CITY COUNCIL AND CITY CLERK (*including reports from the City Council related to meetings attended at City expense [AB 1234]*).**

## **10. CONSENT CALENDAR**

All matters listed under the Consent Calendar are considered to be routine and can be acted on by one roll call vote. There will be no separate discussion of these items unless a member of the City Council, staff, or the public requests that a specific item be removed from the Consent Calendar for separate discussion and action.

- a. Regular Meeting Minutes of November 21, 2023, and December 5, 2023.

CEQA: Not a Project

Recommended Action: Approve

- b. Resolution No. 7533 accepting dedications for street and sidewalk purposes, and easements for sidewalks and public utilities from the property at 150 North Santa Anita Avenue and surrounding properties as part of Parcel Map No. 83499 for the Alexan Arcadia Mixed Use Development.

CEQA: Exempt

Recommended Action: Adopt

- c. Resolution No. 7535 extending the City's deadline to establish an online permitting system for post-entitlement phase permits under California Government Code Section 65913.3.5 (AB 2234).  
CEQA: Not a Project  
Recommended Action: Adopt
- d. Reorganization of Administrative Services Department, revision to Administrative Services Director salary, and establishment of new Human Resources Director classification and salary; and Resolution No. 7541 establishing compensation and related benefits for City Council, Executive Management, Management and Unrepresented Confidential Employees for July 1, 2021, through June 30, 2024 (Human Resources Director; Administrative Services Director).  
CEQA: Not a Project  
Recommended Action: Approve and Adopt
- e. Contract with R&R Roofing & Waterproofing, Inc. for the Reroof at Various City Facilities Project in the amount of \$846,440, with a 10% contingency.  
CEQA: Exempt  
Recommended Action: Approve
- f. Instructional Service Agreement with Rio Hondo Community College District to support Fire Department training.  
CEQA: Not a Project  
Recommended Action: Approve
- g. Memorandum of Agreement with San Gabriel Valley Council of Governments to receive reimbursement grant for City Homeless Program.  
CEQA: Not a Project  
Recommended Action: Accept and Approve

## 11. ADJOURNMENT

The City Council will adjourn this meeting to Tuesday, January 16, 2024, 6:00 p.m. in the City Council Conference Room.

## Welcome to the Arcadia City Council Meeting!

The City Council encourages public participation, and invites you to share your views on City business.

**MEETINGS:** Regular Meetings of the City Council are held on the first and third Tuesday of each month at 7:00 p.m. in City Council Chambers. A full City Council agenda packet with all backup information is available at City Hall, the Arcadia Library, and on the City's website at [www.ArcadiaCA.gov](http://www.ArcadiaCA.gov). Copies of individual Agenda Reports are available via email upon request ([CityClerk@ArcadiaCA.gov](mailto:CityClerk@ArcadiaCA.gov)). Documents distributed to a majority of the City Council after the posting of this agenda will be available for review at the Office of the City Clerk, 240 W. Huntington Drive, Arcadia, California. Live broadcasts and replays of the City Council Meetings are on cable television. Your attendance at this public meeting may result in the recording and broadcast of your image and/or voice as previously described.

**PUBLIC PARTICIPATION:** Your participation is welcomed and invited at all City Council meetings. Time is reserved at each regular meeting for those in the audience who wish to address the City Council. The City requests that persons addressing the City Council refrain from making personal, slanderous, profane, or disruptive remarks. Where possible, please submit a **Speaker Card** to the City Clerk prior to your comments, or simply come to the podium when the Mayor asks for those who wish to speak, and state your name and address (optional) for the record. Please provide the City Clerk with a copy of any written materials used in your address to the City Council as well as 10 copies of any printed materials you would like distributed to the City Council. The use of City equipment for presentations is not permitted.

**MATTERS NOT ON THE AGENDA** should be presented during the time designated as "PUBLIC COMMENTS." In general, each speaker will be given five (5) minutes to address the City Council; however, the Mayor, at his/her discretion, may shorten the speaking time limit to allow all speakers time to address the City Council. **By State law, the City Council may not discuss or vote on items not on the agenda. The matter will automatically be referred to staff for appropriate action or response or will be placed on the agenda of a future meeting.**

**MATTERS ON THE AGENDA** should be addressed when the City Council considers that item. Please indicate the Agenda Item Numbers(s) on the **Speaker Card**. Your name will be called at the appropriate time and you may proceed with your presentation within the five (5) minute time frame. The Mayor, at his/her discretion, may shorten the speaking time limit to allow all speakers to address the City Council.

**PUBLIC HEARINGS AND APPEALS** are items scheduled for which public input is either required or desired. Separate and apart from the applicant (who may speak longer in the discretion of the City Council), speakers shall be limited to five (5) minutes per person. The Mayor, at his/her discretion, may shorten the speaking time limit to allow all speakers to address the City Council. The applicant may additionally submit rebuttal comments.

**AGENDA ITEMS:** The Agenda contains the regular order of business of the City Council. Items on the Agenda have generally been reviewed and investigated by the City Staff in advance of the meeting so that the City Council can be fully informed about a matter before making its decision.

**CONSENT CALENDAR:** Items listed on the Consent Calendar are considered to be routine by the City Council and will be acted upon by one motion. There will be no separate discussion on these items unless a member of the City Council, Staff, or the public so requests. In this event, the item will be removed from the Consent Calendar and considered and acted on separately.

**DECORUM:** While members of the public are free to level criticism of City policies and the action(s) or proposed action(s) of the City Council or its members, members of the public may not engage in behavior that is disruptive to the orderly conduct of the proceedings, including but not limited to, conduct that prevents other members of the audience from being heard when it is their opportunity to speak or which prevents members of the audience from hearing or seeing the proceedings. Members of the public may not threaten any person with physical harm or act in a manner that may reasonably be interpreted as an imminent threat of physical harm. All persons attending the meeting are expected to adhere to the City's policy barring harassment based upon a person's race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, gender, sexual orientation, or age. The Chief of Police, or such member or members of the Police Department, shall serve as the Sergeant-at-Arms of the City Council meeting. The Sergeant-at-Arms shall carry out all orders and instructions given by the presiding official for the purpose of maintaining order and decorum at the meeting. Any person who violates the order and decorum of the meeting may be placed under arrest and such person may be prosecuted under the provisions of Penal Code Section 403 or applicable Arcadia Municipal Code section.

# 欢迎参加阿凯迪亚市议会会议！

市议会鼓励公众参与，并邀请您分享对城市管理的看法。

**会议：**市议会定期会议于每个月第一个和第三个星期二下午七时在市议会会议厅举行。在市政厅、阿凯迪亚图书馆和市政府网站 ([www.ArcadiaCA.gov](http://www.ArcadiaCA.gov)) 可以找到包含所有相关信息的完整市议会议程。单独的议程报告可应请求通过电子邮件索取 ([CityClerk@ArcadiaCA.gov](mailto:CityClerk@ArcadiaCA.gov))。至于在发布该议程后向市议会多数成员分发的文件，公众可在阿凯迪亚市书记官办公室查阅，地址：**240 W. Huntington Drive, Arcadia, California**。市议会会议实况将通过有线电视进行现场直播和回放。如在以往的通知中所提示，如果您参加这次公开会议，您的图像和/或声音可能被录下并播出。

**公众参与：**市议会欢迎并邀请您参加市议会的所有会议。在每次定期会议上都为那些希望在会上发言的市民留出时间。市政府要求在市议会发言的人杜绝个人攻击、诽谤、亵渎或破坏性言论。如有可能，请在发表意见之前向市书记官提交一张**发言卡**，亦可在市长宣布自由发言时直接上台发言，并说出您的姓名和地址（如果您愿意），以便制作会议记录。请向市书记官提供一份您在发言中使用的任何书面材料，以及 **10** 份您希望分发给市议会的任何印刷材料。不允许把市政府设备用于准备发言内容。

**议程之外的事项**应当在指定的“公众评议”时间提出。在一般情况下，每位发言者将有五（5）分钟时间向市议会陈述意见，但市长可酌情缩短发言时限，以便让所有希望发言的人都有机会发言。**根据州法，市议会不得讨论或表决未列入议程的事项。此类事项将自动转给工作人员采取适当行动或作出回应，或将其列入未来会议的议程。**

**列入议程的事项**应当在市议会审议该事项时讨论。请在**发言卡**上标明事项的议程编号。在适当的时间会叫到您的名字，您可以在五（5）分钟时限内发言。市长可酌情缩短发言时限，以便让所有希望发言的人都有机会发言。

**公开听证和上诉**是为需要或希望征求公众意见的事项安排的日程。除申请人外（市议会可酌情决定延长申请人的发言时间），每位发言人的发言不得超过五（5）分钟。市长可酌情缩短发言时限，以便让所有希望发言的人都有机会发言。申请人还可以另外提交反驳意见。

**议程事项：**议程包含市议会的例行议题。一般而言，由市政府工作人员在会议前对议程中的事项进行审查和调查，以便市议会在作出决定之前能够充分了解情况。

**同意日历：**在同意日历上列出的事项被市议会视为例行公事，并将通过一项动议采取行动。除非市议员、工作人员或公众提出请求，否则不会对这些事项进行单独讨论。如果有人提出请求，该事项将从同意日历中删除，单独进行审议和采取行动。

**行为规范：**尽管市民可对市政府的政策和市议会或其成员的行动或拟议行动自由地提出批评，但不得出现干扰会议正常秩序的行为，包括但不限于在别人的发言时间内阻止别人发言，或妨碍公众听到发言内容或看到议程进展状况。市民亦不得威胁进行身体伤害或以可能被合理理解为作出身体伤害紧迫威胁的方式行事。所有出席会议的人都必须遵守市政府的反骚扰政策，禁止基于个人种族、宗教信仰、肤色、原国籍、祖籍、身体残障、疾病、婚姻状况、性别、性取向或年龄骚扰他人。警察局长或警察局其他成员将担任维持市议会会议秩序的保安官。保安官将执行会议主持人的一切命令和指示，以维持会议秩序和行为规范。对任何违反会议秩序和行为规范的人可执行拘捕，并可能根据《刑法典》第 403 条或《阿凯迪亚市政法典》相关条款提出起诉。



# STAFF REPORT

Development Services Department

**DATE:** December 19, 2023

**TO:** Honorable Mayor and City Council

**FROM:** Jason Kruckeberg, Assistant City Manager/Development Services Director  
Lisa L. Flores, Deputy Development Services Director

**SUBJECT:** RESOLUTIONS AND ORDINANCE RELATED TO GENERAL PLAN AMENDMENT NO GPA 22-01, ZONE CHANGE 22-01, MINOR USE PERMIT NO. MUP 22-02, ARCHITECTURAL DESIGN REVIEW NO. ADR 22-06, A DENSITY BONUS, AND A LOT LINE ADJUSTMENT ALONG WITH AN ENVIRONMENTAL IMPACT REPORT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”) FOR “THE DERBY MIXED-USE DEVELOPMENT”, WITH 214 RESIDENTIAL UNITS, INCLUDING 9 AFFORDABLE UNITS, LOCATED AT 233 & 301 E. HUNTINGTON DRIVE

RESOLUTION NO. 7530 ADOPTING CEQA FINDINGS OF FACT, ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR “THE DERBY MIXED-USE DEVELOPMENT” WITH 214 RESIDENTIAL UNITS, INCLUDING 9 AFFORDABLE UNITS, LOCATED AT 233 & 301 E. HUNTINGTON DRIVE

**Recommendation: Adopt**

RESOLUTION NO. 7531 APPROVING GENERAL PLAN AMENDMENT NO. GPA 22-02 TO AMEND THE GENERAL PLAN LAND USE DESIGNATION FOR THE PROPERTIES AT 233 & 301 E. HUNTINGTON DRIVE FROM “COMMERCIAL” TO “DOWNTOWN MIXED USE,” AND REVISE THE GENERAL PLAN LAND USE MAP TO REFLECT THE CHANGES

**Recommendation: Adopt**

RESOLUTION NO. 7532 APPROVING MINOR USE PERMIT NO. MUP 22-02, ARCHITECTURAL DESIGN REVIEW NO. ADR 22-06, A DENSITY BONUS, AND A LOT LINE ADJUSTMENT ALONG WITH AN ENVIRONMENTAL IMPACT REPORT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”) FOR THE “DERBY MIXED-USE DEVELOPMENT” LOCATED AT 233 & 301 E. HUNTINGTON DRIVE

**Recommendation: Adopt**

ORDINANCE NO. 2398 AMENDING THE ZONING DESIGNATION OF THE PROPERTIES AT 233 & 301 E. HUNTINGTON DRIVE FROM “CG - GENERAL COMMERCIAL” TO “DMU-DOWNTOWN MIXED USE” WITH A HEIGHT OVERLAY OF H7 WITH RESPECT TO THE “DERBY MIXED-USE DEVELOPMENT” AND MAKE REVISIONS TO THE ZONING MAP TO REFLECT THE ZONE CHANGES FOR THESE PROPERTIES

**Recommendation: Introduce**

## **SUMMARY**

The Applicant, the auWorkshop, on behalf of the property owner, Dustin Nicholarsen, is requesting approval of General Plan Amendment No. GPA 22-01, Zone Change No. ZC 22-01, Minor Use Permit No. MUP 22-02, and Architectural Design Review No. ADR 22-06 to construct a new mixed-use development at 233 & 301 E. Huntington Drive. The Project includes a density bonus and a lot line adjustment and will result in a six-story mixed-use building containing 214 residential units, including 9 affordable units, a rebuilt Derby restaurant, a second, smaller new restaurant space, and a new café. The existing Derby restaurant and former Souplantation restaurant will be demolished. A parking structure and valet parking lot will be constructed as part of the mixed-use project that will include 412 parking spaces for all uses on the site.

With the proposed amendments to the Zoning for the subject site, the proposed development is consistent with the City’s General Plan, Development Code, and Subdivision Code. The Statement of Findings addresses the environmental effects associated with the proposed project, as described in the Draft Environmental Impact Report (“EIR”). It is recommended that the City Council adopt Resolution No. 7530 including the required findings within the EIR in compliance with the California Environmental Quality Act (“CEQA”), adopt Resolution No. 7531 approving the General Plan Amendment, adopt Resolution No. 7532 related to the Project itself and the conditions of approval, and introduce Ordinance No. 2398 related to the Zone Change.

## **BACKGROUND**

The Project site consists of two parcels totaling 2.23 acres in size, located on the north side of E. Huntington Drive, east of 2<sup>nd</sup> Avenue and on the west side of Gateway Drive (see Figure 1 below). The site is currently Zoned General Commercial (“CG”) and has a Land Use Designation of Commercial in the General Plan – refer to Attachment No. 5 for an Aerial Photo with Zoning Information and Photos of the Subject Property. The property is surrounded by commercial uses consisting of the Hampton Hotel and Embassy Suites Hotel to the north and west, the Arcadia Landmark retail center to the east, and the Arcadia Gateway retail center across Huntington Drive to the south. All the surrounding properties are also Zoned General Commercial with a Commercial Land Use Designation. However, all of these properties are earmarked to be re-zoned and re-classified through the City’s major re-zoning efforts associated with the recently-adopted Housing Element.



**Figure 1 - Aerial of Subject Site**



The existing Derby restaurant and the former Souplantation restaurant will be demolished as part of the Project. The Derby will be rebuilt on site to maintain many of the exterior and interior features of the existing restaurant space, and it will also be expanded in size substantially as part of the Project. Because The Derby has been occupying the site for 100 years, a detailed historical report was completed as part of the Project review process. It concluded that the building does not rise to a level of historic significance at the State or local level, largely because it has been heavily modified and expanded over time. Nevertheless, the Derby is clearly a much-beloved part of the Arcadia community, and the expanded restaurant space will include many of the characteristic features of the existing space as shown in part in Figure 2, including:

- The red booths, fireplaces and unique chimneys
- Roof pitch, overhanging eaves and rafter tails
- Brick and clinker brick details
- Stained glass windows of the same character and/or reused components
- Iconic Derby and Guest Parking signage
- Nearly exact replica of the original main dining room
- Weathervanes, jockey statues, and various landscape details
- Substantial horse racing memorabilia, including an expanded area for memorabilia to house what will be called “The Derby Centennial Collection”

**Figure 2 – Interior Image of the New Derby Restaurant**



## **DISCUSSION**

The proposed mixed-use development consists of the construction of a six-story building with five stories of residential units (214 units) over one basement level of parking and a ground level containing additional parking and the three proposed restaurants. Of the 214 residential units, nine will be reserved for affordable housing at the very low-income level, and these will be restricted to senior residents. The ground floor of the building along Huntington Drive will consist of the rebuilt Derby building to the west of the site, a café and residential amenities in the center of the Project, and a new, smaller restaurant space to the east of the site turning the corner onto Gateway Drive. This commercial space will continue active, vibrant uses along Huntington Drive, while also allowing for access to parking and valet services from both Huntington Drive and Gateway Drive.

The Applicant is proposing to consolidate the two existing parcels into a single parcel of 97,084 square feet (2.23 acres). This can be accomplished through a lot line adjustment process, which is included as an entitlement along with the rest of the application package – refer to Attachment No. 6 for the Lot Line Adjustment and Attachment No. 7 for the Architectural Plans. The proposed building will have an overall maximum height of 71' including a 3' parapet. As such, along with the Zone Change to Downtown Mixed Use is a request to apply a height overlay of H7, which allows an overall height of 75'. In addition to the commercial appearance of the street frontages, the Project will include significant articulation and step backs from Huntington Drive. See Figure 3 below for the overall site plan of the Project area and Figure 4 for renderings of the Project.

Figure 3 – Site Plan

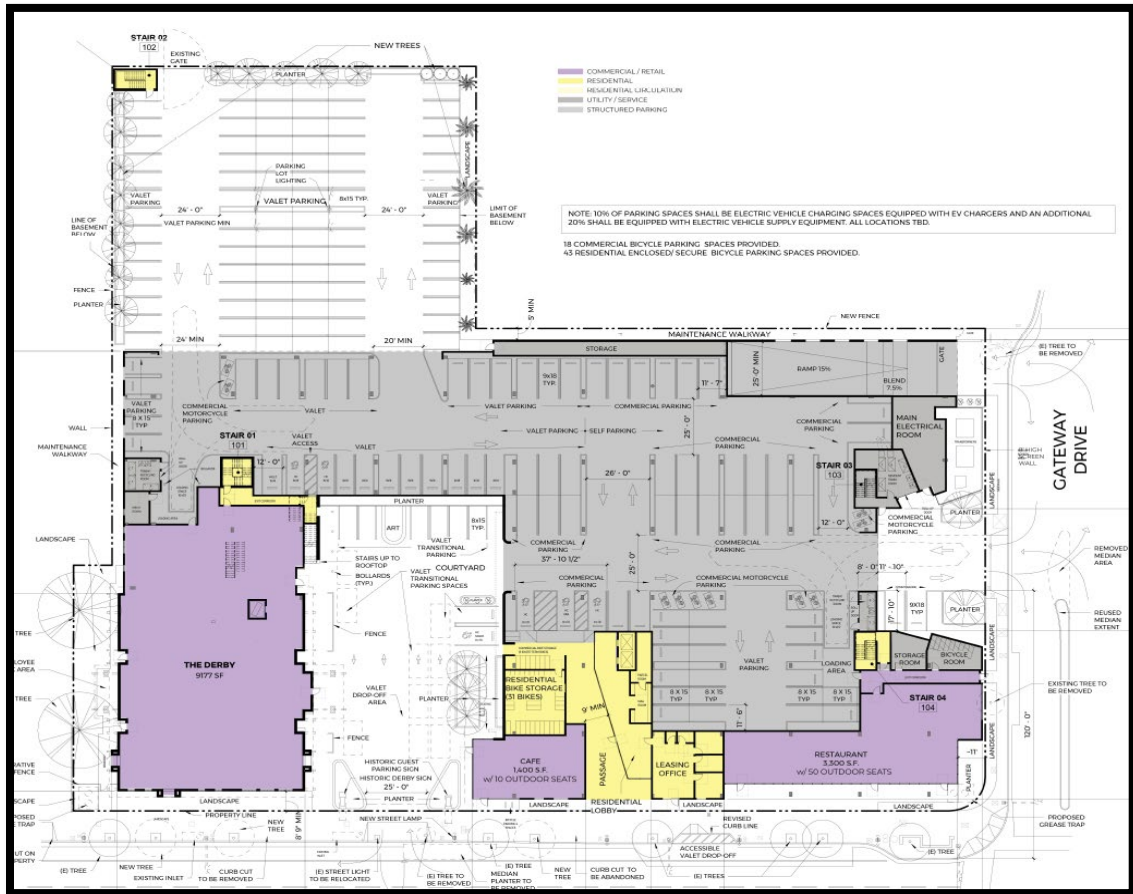


Figure 4 – Renderings



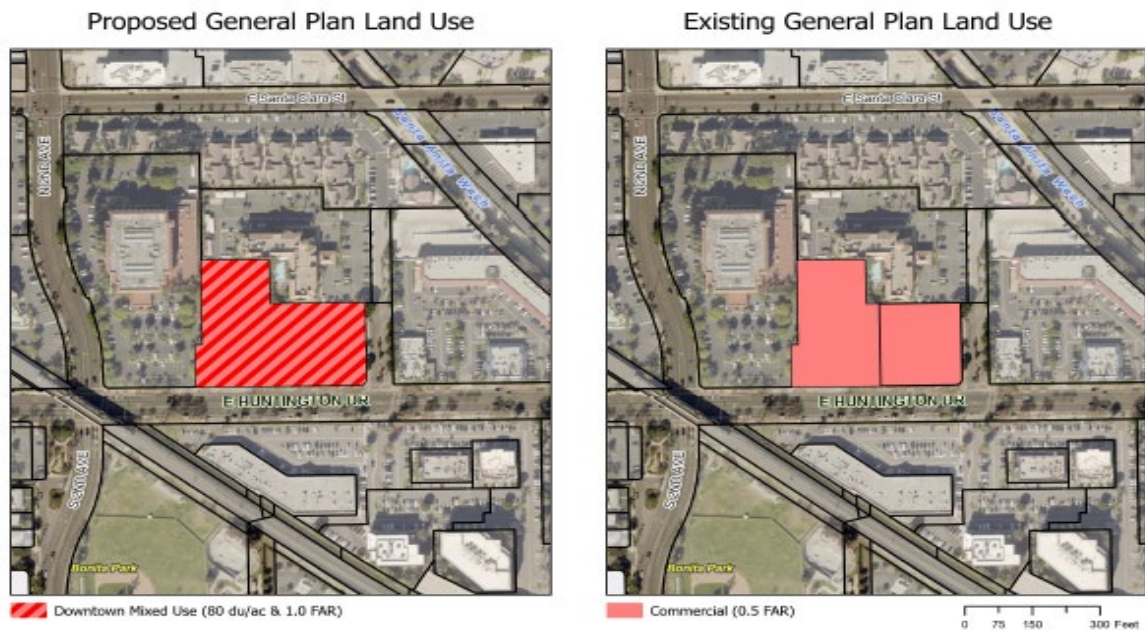
The proposed residential unit mix will be comprised of 55 studios, 110 one-bedroom units, and 49 two-bedroom units. These units will occupy the second through the sixth floors of the building and will range in size from studios beginning at 400 square feet to 1,200 square feet for the largest of the two-bedroom units. The nine affordable units are contained within the mix described above and will be reserved for senior residents at the very low-income level per Los Angeles County’s affordability standards.

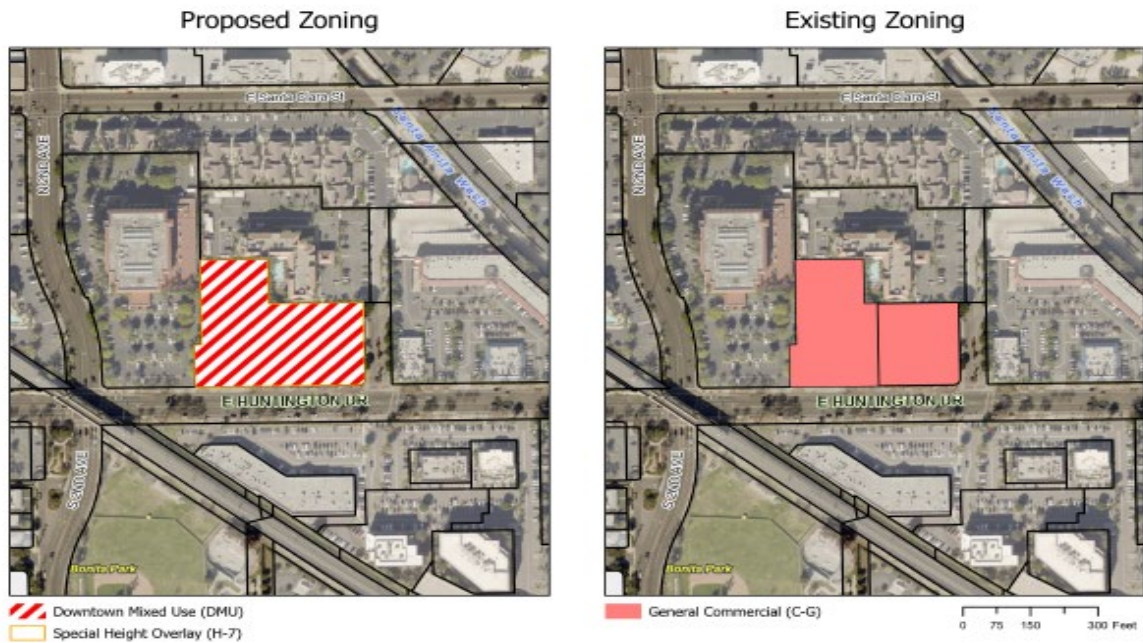
As with most large projects, the Derby Project requires a suite of entitlements and land use approvals. Each of the major entitlements is described below in addition to key components of the Project.

### General Plan Amendment and Zone Change

The Project site is currently Zoned General Commercial with a land use designation of Commercial. This is the same General Plan Designation and Zoning shared by all the surrounding commercial properties. However, in the City’s latest Housing Element Update, one of the key strategies is to expand the City’s “Downtown Mixed Use” Zone and General Plan Designation to the east, including all commercially zoned properties east of Second Avenue and west of Fifth Avenue. The primary purpose for this change is to incentivize redevelopment over time of properties in this area to include a residential component. Figure 5 below shows the changes proposed for the subject property.

**Figure 5 – General Plan and Zone Change Maps**





The Applicant team was made aware of the City-sponsored rezoning project but elected to apply for their own General Plan Amendment and Zone Change. This was done primarily so that they could control their own timing and complete their own specific environmental review, which evaluates the anticipated impacts of this project. The General Plan Amendment will change the Land Use Designation for the property to Downtown Mixed Use, and the Zone Change will change the underlying zoning to Downtown Mixed Use as well. These are both consistent with the overall City strategy and master plan for this area. In addition, the Zone Change includes the application of a Height Overlay zone of H7, which allows up to 75 feet of building height. This is consistent with the existing height overlay that applies to the Embassy project directly to the west that has a H-7 Overlay, in addition to the Hampton Inn to the north that has a H-5 Overlay. The H-7 overlay will be consistent with the nearby height allowances and is appropriate for this location.

It is anticipated that the City's rezoning process will be reviewed by the Planning Commission and City Council in the next few months. The Derby Project is ahead of this process substantially, however, because they have also pursued the required environmental review for their project. A similar level of environmental effort will be needed with other specific projects as they are proposed following the Citywide rezoning.

### Density Bonus and Affordable Housing

Senate Bill 1818 amended the State's Density Bonus program, and it offers incentives for the development of affordable housing for very low income, low income, moderate income, and senior citizen households. The Arcadia Development Code refers to the applicable Government Code when referencing density bonus law and the program

allows developments to receive a density bonus above the allowable base density if the appropriate number of affordable units are provided. In this case, the developer is proposing 5% of the units be set aside as affordable housing for very low-income senior households. With 5% of the units affordable, the Project qualifies for a 20% density bonus per State law. The table below shows the unit summary, including the allowable density bonus.

Residential Component	Calculation	Number of Units
Base Density	80 du/acre	178
SB 1818 Unit Count	+ 20%	214
<b>Housing Type Provided</b>		
Market Rate Units		205
Affordable Units	5%	9

This is a density that is allowed by-right if the affordable units are provided. In order to ensure that the affordable units are included, the Development Code requires that the method proposed by the developer to maintain the continued affordability of the units be provided. To this end, the developer will be recording a Density Bonus Housing Agreement, which will be reviewed by the City Attorney to ensure that the nine senior affordable units will be rented to individuals who qualify at very low-income levels. The Agreement will also ensure that these units are maintained as affordable over time. These units will be spread throughout the Project and the agreement/covenant will be recorded prior to the issuance of a Certificate of Occupancy.

In addition, the Government Code and the Arcadia Development Code allow developers to seek concessions or waivers to certain zoning requirements along with density bonuses. This can include relaxation of development standards such as parking or height, setbacks, and lot coverage. In this case, the development standard being altered by the developer is the dimension of some of the parking spaces and drive aisles. In addition, the fact that the Project qualifies for a density bonus allows the Project to provide fewer parking spaces than would be necessary through a strict application of the Development Code. These issues are described in more detail below in the parking section.

### Parking

The Project would include one level of subterranean (i.e., basement level) parking for residents, as well as ground-level commercial and valet parking, including a podium parking structure and surface parking. The surface and podium parking areas would be predominately valet serviced and reserved for restaurant/café uses and residential visitors. The vehicle courtyard would include several surface parking spaces for transitional (i.e., short-term) valet use. A larger surface parking lot for valet use only would be on the northwest corner of the Project site accessible from the ground-level podium parking lot.

The table below provides the parking required and provided for the Project when applying the density bonus allowances.

<b>Parking Required w/ Density Bonus</b>	<b>Spaces</b>
Commercial Parking for: <ul style="list-style-type: none"> <li>• Derby (12,850 sf @ 1 space per 100 sf): 129</li> <li>• Secondary Restaurant (3,300 sf @ 1 space per 100 sf): 33</li> <li>• Café (1,400 sf @ 1 space per 200 sf): 7</li> <li>• Outdoor Seating (24 seats @ 1 space per 6 seats): 4</li> </ul>	173
Residential Parking for: <ul style="list-style-type: none"> <li>• 51 studios @ 1 space per unit: 51</li> <li>• 105 one-bedroom @ 1 space per unit: 105</li> <li>• 49 two-bedroom @ 1.5 spaces per unit: 74</li> <li>• 9 senior affordable units @ 1 space per unit: 9</li> </ul>	239
<b>TOTAL REQUIRED</b>	<b>412</b>
<b>Parking Provided</b>	<b>Spaces</b>
Commercial Parking (Valet Format)	173
Residential Parking	239
<b>TOTAL PROVIDED</b>	<b>412</b>

For comparison purposes, it should be noted that an application of the Development Code without the density bonus mandates would require more residential parking, but less commercial parking. The Development Code requires 1 parking space per studio or senior unit, and 1.5 spaces per one or two-bedroom unit. It also requires 1 guest parking space for every three units. Taken together, this would require a total of 362 residential parking spaces. However, given the proximity to the light rail station, a 25% reduction would apply to the commercial aspect of the Project, resulting in a total number of commercial spaces needed of 130, rather than the 173 spaces provided. Therefore, in total, the Development Code would require a total of 492 spaces rather than the 412 provided under density bonus law.

The major advantage for the site in terms of parking, however, is the fact that valet parking will be available. The Derby Parking Management/Valet Parking Operations Analysis memo prepared for the Project discusses the City’s parking requirements for the existing and proposed land uses on the Project site per Section 9103.07 (Off-Street Parking and Loading) of the Development Code (see Attachment 8).

Of the 173 commercial parking spaces, 33 spaces are available for self-parking and the remaining 140 will be valet-accessible. Valet parking will be available for all restaurant uses on site as needed. The Parking Management/Valet Parking Operations Memo



provides a series of recommendations to facilitate both the self-parking and valet functions on site. Regarding self-parking, it is recommended that space counters be provided as well as parking displays to indicate the number of spaces occupied and/or available. In addition, directional signage and clear markings on the location of various parking options will be required. These details have been added as Conditions of Approval and/or Mitigation Measures.

With regard to valet parking, the Derby has been operating with an all-valet system for years, and this is the standard that will be maintained. The plan shows 89 valet spaces in the surface lot and another 51 spaces within the structure. Additionally, the courtyard can accommodate approximately 20 active and parked vehicles, in addition to queuing space. A detailed valet operations plan will be required to be submitted. This has also been added as a Condition of Approval.

Because valet spaces are professionally controlled, they do not require the same dimensions as self-parking spaces. The provision of affordable units provides the Applicant the ability to request concessions to the Development Code. In this case, the requested concessions are to the parking space dimensions and aisle dimensions. It should be noted that all ground level commercial self-parking spaces meet Code requirements, but valet and tandem spaces will not. Tandem parking spaces are provided for some of the residential parking spaces. The Code-listed dimensions for tandem spaces are 10' x 19'. The Applicant has provided tandem spaces with dimensions of 9' x 19' for the interior space and 9' x 18' for the exterior tandem space. These dimensions are similar to those that have been approved in several different projects in the City and are consistent with requirements in other jurisdictions. In addition, the Applicant provided vehicle turning templates and maneuvering diagrams as part of the Parking Management/Valet Parking Operations Memo. Turning motions from different sized vehicles show that the parking area is functional and accessible. Similarly, an aisle width of 24' is requested for the ramp down to the residential parking area from Gateway Drive. This has minimal impact on the function of the basement level parking as a whole. While these concessions may be granted without such analysis, the review provides evidence that these modifications are suitable.

The Code also requires bicycle parking for mixed-use developments at a rate of 0.2 spaces per residential unit and 10% of non-residential parking requirements. Based on 214 residential units and 173 commercial parking spaces, 61 bicycle parking spaces are required. The Project will provide 63 bicycle parking spaces located on level 1 of the development. This complies with the Code and exceeds the minimum requirement. Additionally, the Project will meet all Americans with Disabilities Act ("ADA") and Energy Efficient vehicle requirements as well as providing motorcycle spaces.

Another issue that is of importance is where the construction trucks will be staged during construction. Given the size of the site, the construction vehicles will be staged on-site and within the Project boundaries, and should not disrupt the surrounding commercial

uses. A detailed construction parking and staging plan will be required prior to the issuance of a building permit for the Project to ensure this is the case.

### Vehicular Circulation and Traffic

Primary vehicle access for the commercial and valet parking areas would be from two points: (1) via an ingress/egress driveway on E. Huntington Drive approximately 50 feet east of driveway for the existing The Derby restaurant; and (2) via an ingress/egress driveway on Gateway Drive that would also accommodate service uses. Primary vehicle access to the residential tenant and guest parking at the basement level would be provided via a separate, secure ingress/egress driveway from Gateway Drive. Queuing analyses were conducted on the entryways and access and egress from the site was found to be adequate with the exception of the eastbound left turn pocket at Gateway and Huntington Drive and within the Derby Courtyard. To address these issues, mitigations have been added to extend the left turn pocket for that turning motion and to install internal signage to direct vehicles within the Project.

In terms of traffic, trips generated by the proposed project were evaluated to determine any expected impacts on the traffic flow through the area. A total of seven intersections were analyzed as part of this project, including the following:

1. 2nd Avenue/Santa Clara Street
2. Santa Anita/E. Huntington Drive
3. 1st Avenue/E. Huntington Drive
4. 2nd Avenue/E. Huntington Drive
5. Gateway Drive/E. Huntington Drive
6. 5th Avenue/E. Huntington Drive
7. I-210 SB ramps/E. Huntington Drive

Each of these intersections are shown in Figure 6 below. Following analysis, and with the inclusion of other expected projects in the area, none of the studied intersections were significantly impacted by the expected project traffic.

Figure 6 – Intersections that were Studied



A Traffic Impact Analysis (Appendix J to the EIR) was prepared for the Project that includes Level of Service (“LOS”) analysis, site access review, parking analyses, and Vehicle Miles Traveled (“VMT”) screening analysis. The bullet list below summarizes the key findings:

- The proposed project would generate 2,163 net daily trips, 219 net AM peak hour and 175 net PM peak hour trips.
- The study area intersections currently and are forecast to operate at LOS D (or E where applicable) or better under all analysis scenarios, which meets the City’s traffic impact thresholds.
- The proposed project would not result in unacceptable queueing conditions into or out of the Project site with exception of the eastbound left-turn pocket at Gateway Drive/E. Huntington Drive and within The Derby Courtyard. The following recommendations are made:
  - Remove and reconfigure the raised median to extend the eastbound left-turn pocket at Gateway Drive/E. Huntington Drive to at least 75 feet. (Added as Mitigation Measure).

- Place signage within the commercial section of the parking structure directing personal vehicles to use the Gateway Drive egress to exit the Project site during valet operations (Added as Mitigation Measure).
- The Project is in a Transit Priority Area (“TPA”) and in a Low Vehicles Miles Travel (“VMT”) generating area, therefore it is screened out from a VMT analysis. VMT is the current method of evaluating impacts on the regional traffic system. Essentially, a project is evaluated based on its location and the likelihood of creating a high level of vehicle miles traveled to and from the site by the users and/or residents of the site in a day. If a project is located within a half mile around existing high quality transit or major transit stop such as regional bus lines and/or light rail, typically that area produces less of these trips than areas without these features. As a result, the Project’s impacts to VMT can be presumed to be less than significant and additional mitigations or project features are not required.

### Architectural Design and Land Use

As shown below in Figure 7, the Project provides an interesting, varied façade along Huntington Drive that emphasizes the commercial portions of the Project. The color palette would predominantly include neutral earthtones of grey, brown, and off-white. Building materials and siding along the ground-level E. Huntington Drive and Courtyard frontages would include brick veneer and would feature glazed floor-to-ceiling windows and a covered corridor along the east side of the courtyard and café, residential, and restaurant frontage. The finish on levels two through six would include a combination of machine applied sand-finished stucco and dark grey finished steel board and batten, as well as stained tongue and groove wood soffits and window surrounds. The Project would also feature painted steel balconies and railings. As proposed, the proposed overall design is consistent with the City’s Design Guidelines and is compatible with the surrounding area.

The Derby restaurant would be designed to maintain its low-slung and distinctive character and scale, as well as other distinctive interior and exterior elements such as the gable roof, stained-glass windows, and classic red booths. The gable roof would feature “The Derby” signage in large-format lettering on its south-facing slope. The “new” Derby restaurant would preserve the existing horseracing memorabilia collection (i.e., The Derby Collection) in a new, expanded display area, and would relocate the existing “World Famous, The Derby” and “Guest Parking” neon signs to either side of the proposed ingress/egress driveway on E. Huntington Drive leading to the restaurant’s new covered porte-cochere and east-facing main entrance.

The Derby restaurant’s rooftop bar and dining area would also include a media-art installation featuring a 35’ by 25’ projection surface set against the adjacent southern building face. During The Derby restaurant’s evening operating hours, the proposed installation would display black-and-white, horse-racing themed photographs and video-stream projections, which would be visible from The Derby’s rooftop bar and dining area,

as well as from certain vantage points on the surrounding E. Huntington Drive streetscape. Horseracing images would only be projected from approximately dusk until midnight while The Derby restaurant is open.

**Figure 7 – Renderings**



In addition to the thoughtful treatments on the ground levels along both Huntington Drive and Gateway Drive, the Project provides differentiation between the residential levels of

the building and the ground floor commercial space. The valet drop-off area provides a deep, articulated area that reduces massing along Huntington and emphasizes the Derby. Also, upper-level step-backs along Huntington provide an area for open space and amenity that further reduce massing. Along Gateway Drive, a substantial courtyard area at the second level provides a second deep and articulated space and provides light and air for the units that front the courtyard.

All City requirements regarding disabled access and facilities, occupancy limits, building safety, health code compliance, emergency equipment, environmental regulation compliance, and parking and site design shall be complied with by the property owner/applicant to the satisfaction of the Building Official, City Engineer, Planning & Community Development Administrator, Fire Marshal, and Public Works Services Director, or their respective designees.

### Open Space

Residential uses in the City's DMU Zones are required to provide a minimum of 100 square feet of open space per dwelling unit (21,400 square feet), which may incorporate balconies. The open space is proposed on site both as community open space and as private open space. Approximately 65% of the Project's proposed dwelling units would include private balconies. As such, the Project would provide 7,020 square feet of residential open space in the form of private balconies and 14,525 square feet of common area open space (i.e., the courtyards/amenity areas on levels two, five, and six) for a total of 21,545 square feet of residential open space, which is in accordance with the Development Code. The courtyards provide landscaped sitting areas, an herb garden, and an outdoor deck and pool area.

### Minor Use Permits

With approval of the proposed Zone Change to DMU, the Project site would be in a mixed-use zone and a "downtown zone" (Development Code Section 9102.05[C]). As such, the Project would require approval of Minor Use Permits ("MUPs") for the following project features/characteristics: Valet parking in a mixed-use zone, outdoor dining in a downtown zone, and multifamily housing in a downtown zone. Whereas these types of project elements would be handled at the administrative level in some cases, when part of a major project with additional entitlements, they are included with the discretionary review process. The required Findings of Fact for each of these items are provided below in the Findings section.

**Valet Parking in a Mixed-Use Zone.** As described in detail in the Parking section above, the Project's surface parking area and ground-level podium parking structure would be predominately valet serviced and reserved for restaurant/café uses and residential visitors. Valet parking is subject to a MUP per the Development Code. Valet parking is a critical component of this project and is the basis by which the large restaurant square footage proposed can be supported. The Derby has utilized valet parking for decades and this would be maintained by the proposed project. Valet parking provides relief from

parking concerns in that it will be available during all hours of the restaurant’s operation and will alleviate any conflicts with residential parking or peak times.

**Outdoor Dining in Excess of 12 tables in the Downtown Zones.** The Development Code requires a MUP to allow outdoor dining in excess of 12 tables. This entitlement is typically required to allow for streetscape activity and vitality while ensuring that parking is adequate and a safe public/private interface can be maintained. In this case, the outdoor dining as part of the Derby and the 3,300 square foot additional restaurant space would include the option for outdoor seating with 12 or more tables. This is a welcome project feature as it will add visual interest to the Project and provide an active streetscape. Parking for the outdoor dining areas is accounted for as part of the parking provided for the Project.

**Multi-Family Housing in a Downtown Zone.** Multifamily housing in conjunction with a commercial use is permitted in the City’s downtown zones, subject to an approved MUP. The Project would include 214 for-rent dwelling units, which would qualify as multifamily housing. This requirement was added to the Code to ensure that mixed-use projects were thoughtfully planned and the residential portion of mixed-use projects provided appropriate setbacks, design features, and amenities to successfully be placed in a commercial-focused environment. The Derby Project provides an appropriate mix of residential unit types, including affordable units, and the Project is laid out in a manner that continues to treat Huntington Drive as a commercial corridor yet provides a new population of residents to complement the area as an extension of Downtown Arcadia.

## **FINDINGS**

### ***General Plan Amendment***

Section 9108.03.060(A) of the Development Code requires that for a General Plan Amendment to be granted, it must be found that all of the following prerequisite conditions can be satisfied:

- 1. The amendment is internally consistent with all other provisions of the General Plan.**

**Facts to Support This Finding:** The proposed Amendment is internally consistent with the other provisions of the General Plan. The Project proposed to change the General Plan Land Use Designation from “Commercial” to “Downtown Mixed Use.” The expansion of the Downtown Mixed-Use designation onto the Project site allows for development of a mixed-use project in furtherance of the goals and policies found in the Land Use & Community Design Element, the Economic Development Element, the Circulation and Infrastructure Element and, most importantly, the Housing Element of the General Plan. The City’s Housing Element requires that the City meet the State-mandated Regional Housing Needs Allocation. Mixed-use development in what was formerly commercial areas is the most effective and beneficial way to do so. The City is planning a major General

Plan update that would change this very property, in addition to all surrounding properties, to Downtown Mixed Use. This proposal is simply arriving before the City's larger effort. The proposed change will allow the property owner to merge two properties into one parcel to accommodate a larger mixed-use project that is more appropriate for this site. The revised project continues to implement the General Plan's policies and goals for an orderly development that is supported by public infrastructure and services. The proposed development meets all applicable development standards, including not exceeding the height that is allowed through the Height Overlay of H7 (75 feet in height).

- 2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.**

**Facts to Support This Finding:** The proposed Amendment is consistent with a City-sponsored amendment that is currently in process that will modify this area to Downtown Mixed Use. To review the specific impacts of this proposed project, however, an Environmental Impact Report was submitted that analyzed all the potential impacts, and the anticipated impacts from the amended project are less than significant or can be reduced to less than significant levels with the implementation of mitigation measures. Therefore, the General Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare. Further, the mixed-use project will provide a superior development to this site and add to the vitality of the area.

### ***Zone Change***

Section 9108.03.060(C) of the Development Code requires that for a Zone Change to be granted, it must be found that all of the following prerequisite conditions can be satisfied:

- 1. The proposed amendment is in conformance with the goals, policies, and objectives of the General Plan.**

**Facts to Support This Finding:** The proposed Zone Change is in conformance with the General Plan. The Zone Change proposed to change the current General Commercial Zoning to Downtown Mixed Use, which allows residential development on the site in an urban, mixed-use format. The change in zoning to Downtown Mixed-Use allows for development of a mixed-use project in furtherance of the goals and policies found in the Land Use & Community Design Element, the Economic Development Element, the Circulation and Infrastructure Element and, most importantly, the Housing Element of the General Plan. The City's Housing Element requires that the City meet the State-mandated Regional Housing Needs Allocation. Mixed-use development in what was formerly commercial areas is the most effective and beneficial way to do so. The City is planning a major Zoning Map update that would change this very property, in addition to all surrounding properties, to Downtown Mixed Use. This proposal is simply arriving before the City's larger effort. The proposed change will allow the



property owner to merge two properties into one parcel to accommodate a larger mixed-use project that is more appropriate for this site. The revised project continues to implement the General Plan's policies and goals for an orderly development that is supported by public infrastructure and services. The proposed development meets all applicable development standards, including not exceeding the height that is allowed through the Height Overlay of H7 (75 feet in height).

- 2. The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated land uses/developments.**

**Facts to Support This Finding:** When joined together through the associated lot line adjustment, the resulting property is 2.23 acres in size. As such, the site is physically suitable for the proposed project in terms of land use, height, access and egress, parking, and the provision of utilities. The Environmental Impact Report submitted along with the Project reviewed all of the site logistics and utility provision challenges inherent in the area. Through mitigations and conditions approval, there are no deficiencies, and the site is suitable for the change in zoning.

- 3. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.**

**Facts to Support This Finding:** The proposed Zone Change is consistent with a City-sponsored zoning change that is currently in development that will modify this area to Downtown Mixed Use. To review the specific impacts of this proposed project, however, an Environmental Impact Report was submitted that analyzed all the potential impacts, and the anticipated impacts from the Project are less than significant or can be reduced to less than significant levels with the implementation of mitigation measures. Therefore, the Zone Change would not be detrimental to the public interest, health, safety, convenience, or general welfare. Further, the mixed-use project will provide a superior development to this site and add to the vitality of the area.

### ***Minor Use Permits***

Section 9107.09.050(B) of the Development Code requires that for a Minor Use Permit to be granted, it must be found that all of the following prerequisite conditions can be satisfied. In this case the Minor Use Permits being requested include multi-family housing in a downtown zone, valet parking, and outdoor dining.

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

**Facts to Support This Finding:** Approval of the proposed mixed-use project would be consistent with the new General Plan Land Use Designation of Downtown Mixed Use, along with a permitted density bonus. The base density and

commercial floor area allowed is 80 units per acre and a commercial floor area ratio of 1.0. With the permitted 20% density bonus, up to 96 dwelling units an acre are allowed. The project proposes a density of 96 dwelling units per acre and a commercial FAR of 0.18, meeting the land use designation and zoning for the site. This land use designation allows mixed-use developments and strongly encourages a pedestrian-oriented environment with a complementary mix of commercial and residential uses. The residential units will provide vitality and an urban effect to the area, and the proposed restaurants will help generate increased activity along Huntington Drive and will continue to convey a commercial appearance along the street. Valet parking and outdoor dining are expected and encouraged in such a setting. The proposed mixed-use development will not adversely affect the comprehensive General Plan and is consistent with the following General Plan goals and policies:

#### Land Use and Community Design Element

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

**Facts to Support This Finding:** The subject site will be zoned Downtown Mixed Use (“DMU”), which allows for mixed-use developments subject to the approval of a Minor Use Permit (“MUP”). The proposed project complies with all the development standards of the DMU Zone, including but not limited to setbacks, height, open space, density, parking, The Project provides the requisite number of low or very low-income units to qualify for a density bonus AND relaxation of parking requirements per density bonus law under SB 1818. As such, the Project meets the Municipal Code requirements as well as State law.

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

**Facts to Support This Finding:** The subject site is 2.33 acres in size and is located in the Downtown Mixed Use (“DMU”) Zone. The site is surrounded by commercial uses consisting of the Hampton Inn and Embassy Suites hotels, as well as commercial centers to the east and south of the property. All of these properties are currently Zoned Commercial. However, as has been stated, the City is currently working on a major rezoning and General Plan land use designation effort which will change this property and all surrounding properties to the very zoning and land use being proposed. As such, this project embodies what the goals of the DMU Zone are, with a mix of residential and commercial uses. Therefore, the development and operation of the mixed-use development will be compatible with the existing and future land uses in the vicinity.

4. **The site is physically suitable in terms of:**

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

**Facts to Support This Finding:** The Project site is 2.33 acres in size and can physically accommodate the proposed mixed-use development. The residential component of the Project will provide a density of approximately 96 units per acre, which is in compliance with the maximum density for the area due to the density bonus permitted as a result of the affordable housing units being provided. The commercial component of the Project will have a floor area ratio (“FAR”) of 0.18, which is below the maximum allowable FAR of 1.0. Additionally, the amount of on-site parking that will be provided for this project meets and exceeds the minimum required by State law for projects providing affordable housing units that are in close proximity to the Foothill Gold Line (“Metro A Line”) Station. Finally, to accommodate increased traffic and turning motions necessitated by the project, the left turn pocket on Huntington/Gateway will be extended to allow for additional queuing.

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

**Facts to Support This Finding:** The Project site is located on the north side of Huntington Drive and the west side of Gateway Drive. These streets

are adequate in width and pavement type to carry emergency vehicles and traffic generated by the proposed use on the site.

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

**Facts to Support This Finding:** The Fire and Police Departments have reviewed the application and determined that, with the addition of the newly-created Fire Impact Fee, there will be no impacts to public protection services. The need for new or altered Fire or Police services is usually associated with substantial population growth. Recognizing this, in advance of changes in zoning and development type in the Downtown Mixed Use Zone, the Fire Department recently added an impact fee to plan for future growth. With the payment of this fair share fee by the Applicant, no impacts to public protection services are anticipated. Development of Downtown Arcadia has been anticipated and planned for since the General Plan was updated in 2010. Mixed-use developments and residential units have been expected since that time on the part of public protection services and, as mentioned, the City is working on a major zone change for a large portion of this area to a similar land use type. The new Fire Department fee will account for this project's fair share of new demand for fire services.

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

**Facts to Support This Finding:** As part of the development, new utility connections, including connections for potable water and storm drainage, will be required. Implementation of best management practices during construction and operation would ensure impacts to water quality do not occur. The site can be adequately served by all required utilities through interconnection with existing utilities within City right-of-way abutting the site. The Project will require a fair-share payment for upsizing of a sewer line, which is anticipated to be built by the City.

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

**Facts to Support This Finding:** The proposed mixed-use development is not anticipated to have adverse effects on the public health or welfare, or the surrounding neighborhood. The Project will be compatible with the surrounding uses in the general area. Additionally, the Environmental Impact Report prepared for the Project assessed all the potential impacts from the Project and it was

determined that there would be no significant impacts to traffic, noise, air quality, or water quality. Therefore, the proposed use will not adversely affect the public convenience, health, interest, safety or general welfare of adjacent uses in the vicinity and zone of the subject property.

### ***Density Bonus***

The proposal includes a density bonus of 20%, which is allowed based on the provision of 5% of the units being designated for very low-income senior residents. The findings below are required for a density bonus to be permitted.

- A. The Project will be consistent with the General Plan, except as provided by this section with regard to maximum density, density bonuses, and other incentives and concessions.**

**Facts in Support of the Finding:** The Project is consistent with the Downtown Mixed Use land use designation in the General Plan, as well as the zoning requirements of the DMU Zone. The Project meets the following policies of the General Plan Land Use Element: LU-1.1, LU-1.8, LU-4.2, LU 4.3, LU-6.4, and LU-6.5. With the application of the permitted density bonus, the project is allowed up to 96 dwelling units an acre, which is what is being proposed through the addition of low-income housing units.

- B. The approved number of dwellings can be accommodated by existing and planned infrastructure capacities.**

**Facts in Support of the Finding:** The Project proposes 214 dwelling units, which includes nine affordable units for seniors. All relevant utility providers and service providers reviewed the proposed project and have declared that the Project can be served with existing and/or planned infrastructure. The Arcadia General Plan has anticipated mixed-use development in Downtown Arcadia since 2010. The infrastructure has been reviewed and analyzed with this in mind and the Project can be accommodated. Additionally, the City is planning a major rezoning effort which will include this project and surrounding properties.

- C. Adequate evidence exists to indicate the Project will provide affordable housing in a manner consistent with the purpose and intent of this Section.**

**Facts in Support of The Finding.** The Applicant had been conditioned to provide a Density Bonus Housing Agreement which specifies that nine units will be provided for very low-income senior residents. This document must be recorded prior to the issuance of a Certificate of Occupancy for the Project and shall run with the property. This will provide the necessary surety that these units will remain affordable over time.

- D. In the event that the City does not grant at least one financial concession or incentive as defined in Government Code Section 65915 in addition to the density bonus, that additional concessions or incentives are not necessary to ensure affordable housing costs as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Government Code 65915(C.).**

**Facts in Support of the Finding:** The Project is proposing a density bonus of 20% based on the provision of 5% affordable units at the very low-income level, which is allowable per State law. In addition, the Project is utilizing the parking relaxation requirements allowed due to the provision of affordable housing and proximity to transit. The Project is also being granted a concession for development code standards related to the dimensions of parking spaces and aisle width. As such, the Project can meet all other zoning requirements and standards and no additional concessions or incentives are necessary to meet the targeted affordability.

- E. There are sufficient provisions to guarantee that the units will remain affordable for the required time period.**

**Facts in Support of the Finding.** The Applicant has been conditioned to submit a draft Density Bonus Housing Agreement which will be finalized and agreed to by both parties prior to recordation. The document will be required to be recorded prior to the issuance of a Certificate of Occupancy for the Project and will remain in effect for at least 55 years in order to comply with the required time period.

## **ENVIRONMENTAL ASSESSMENT**

An Environmental Impact Report (“EIR”) was prepared for this project by Dudek to evaluate potential environmental impacts that would result from implementation of the Project (State Clearinghouse No. 2022100298). Please see the link to the EIR and associated technical studies as Attachment No. 10 to this Staff Report.

The EIR provides an introduction, review of the environmental setting for the Project, a project description, a review of all the required sections for environmental analysis, and a review of alternatives. The sections of environmental analysis that were reviewed include:

- Aesthetics
- Air Quality
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials

- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services and Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems

Upon a complete review of all of the topics listed above, the EIR concluded that there are a number of mitigation measures required for the Project. With the incorporation of these mitigation measures, however, the Project will have no significant impacts. As such, a Mitigation Monitoring and Reporting Program (“MMRP”) will be provided to ensure that these mitigations occur. A summary of the required mitigations is provided below. For a full description of the mitigations, please see the EIR (link provided as Attachment No. 10):

- MM-CUL-1: Requirement for a Worker Environmental Awareness Program to educate those on the site as to archaeological resources that may be uncovered during grading, excavation or construction and requirements for procedures to protect any archaeological resources.
- MM-GEO-1: Requirement for retention of a paleontologist to educate workers and prepare guidelines for awareness of potential paleontological resources and procedures if they are located.
- MM-HAZ-1: Preparation of a Hazardous Building Materials Survey.
- MM-HAZ-2: Soil Management Plan related to the potential presence of contaminated materials during excavation.
- MM-NOI-1: Mitigations for noise attenuation during the construction process.
- MM-TRA-1: Requirement for modifications to the raised median along Huntington Drive to facilitate queueing.
- MM-TRA-2: Requirement for a detailed parking signage plan to direct drivers and differentiate between uses.
- MM-TRA-3: Preparation of a Construction Traffic Control Plan.
- MM-TCR-1: Retention of a Native American monitor from the Kizh Nation prior to any ground disturbance activities to ensure protection of any Tribal cultural resources.
- MM-TCR-2: Ensure any human remains are reported to Coroner and proper protections are in place.
- MM-TCR-3: Protocols in the event that human remains are discovered which are relevant to the Tribe.
- MM-UTL-1: Requirement for fair-share payment for upgrade of City sewer line to serve project.

The Draft EIR was distributed for public review on August 3, 2023, and the public review period was from August 4, 2023, through September 19, 2023. Comment letters were

received from the following interested parties. Copies of all the comment letters are included as Attachment No. 10.

- Caltrans
- Lozeau Drury on behalf of Supporter’s Alliance for Environmental Responsibility
- Mitchell Tsai on behalf of the Southwest Regional Council of Carpenters

A Response to Comments (“RTC”) to each of the comment letters is also included within Attachment No. 10.

Following the comment period, the City received three additional late pieces of correspondence in the days leading up to the Planning Commission meeting. These letters were from the same three commenting parties during the comment period. These letters and the responses to them are included as Attachment No. 11.

### **PUBLIC NOTICE/COMMENTS**

A public hearing notice for this item was published in the Arcadia Weekly newspaper and mailed to the property owners located within 300 feet of the subject property on November 7, 2023, prior to the Planning Commission meeting. Subsequently, a second notice was mailed and published in the same manner on December 7, 2023, specifically for the City Council Meeting. It should also be noted that a community meeting was held by the Arcadia Historical Society with the Applicant on November 15, 2023, to answer questions about the Project. While this meeting was not part of the City’s official process, it is important to note that this meeting was attended by more than 35 individuals who had a chance to learn about the Project and ask questions.

Except for the comments listed above related to the Draft and Final EIR, the only additional comments received were verbal comments at the Planning Commission meeting as described below.

### **PLANNING COMMISSION MEETING**

On November 28, 2023, the Planning Commission held a public hearing on the Project. The Planning Commission received an overview of the Project by staff with additional commentary from the Applicant’s team. Two public comments were also received at the meeting – one in favor of the Project and one requesting the use of a local, union workforce for development of the Project. Two late letters raising environmental issues were received as well as a late piece of correspondence from Caltrans. The two environmental letters raised concerns about hazards from former uses on the site, transportation impacts, and noise impacts, among other issues. The City issued detailed response letters to each piece of correspondence prior to the meeting and the issues were also addressed at the meeting. The Commissioners raised several concerns about parking, light impacts from the Projected mural, signs for other uses that are located on the property, and potential hazardous materials that may have been left behind from former uses on the property. These concerns were addressed to the satisfaction of the Commission and, following the public hearing, the Planning Commission voted 5-0 to



recommend approval of The Derby Mixed-Use Project to the City Council. Refer to Attachment No. 9 for the Planning Commission minutes.

### **FISCAL IMPACT**

While a direct estimate of the impact is not available, the Project will have a positive revenue impact in that additional property taxes will be collected due to the substantial increase in appraised value on site. The Project will also generate user fees, park impact fees, transportation impact fees, and building permit revenue. Following construction, an increase in sales taxes will be expected as a result of the much larger Derby restaurant and additional commercial components of the Project. Ancillary fiscal benefit will also result from the spending patterns of new residents in Downtown Arcadia, which will have both private and public fiscal benefits. It is not known if the revenue enhancements will fully offset the demand for services from the residents and businesses on the site; however, multifamily units of the type proposed generally do not have a high demand for public services.

### **RECOMMENDATION**

It is recommended that the City Council approve General Plan Amendment No. GPA 22-01, Zone Change No. ZC 22-01, Minor Use Permit No. MUP 22-02, and Architectural Design Review No. ADR 22-06, along with a density bonus and lot line adjustment, through the following actions.

**Adopt Resolution No. 7530**, certifying the Environmental Impact Report and adopting CEQA findings of fact.

**Adopt Resolution No. 7531**, amending the General Plan Land Use Designation for the property.

**Adopt Resolution No. 7532**, approving the Project subject to the following conditions of approval:

1. The Applicant/Property Owner shall provide a Density Bonus Housing Agreement that will ensure that at least nine units are reserved on site as housing for very low-income senior residents. The Density Bonus Housing Agreement must be recorded in the Office of the Los Angeles Recorder's office prior to the issuance of a Certificate of Occupancy for the Project. Prior to their recordation, the Applicant/Owner shall submit the Agreement to the City for review and approval by the City and shall obtain the City Attorney's approval thereof. For this purpose, the Applicant/Owner shall submit to the City with the proposed Agreement a deposit of \$5,000 for purposes of such review, of which any funds remaining after review of the Agreement by the City shall be returned to the Applicant/Owner.
2. A comprehensive landscaping plan, consistent with the conceptual landscape plan approved as part of the Project, prepared by a licensed landscape architect must

be submitted as part of building plan check and subject to the approval of the Deputy Development Services Director or designee.

3. The existing Derby signage is to be refurbished and maintained in accordance with the approved plans.
4. A lot line adjustment must be approved and recorded with LA County prior to the issuance of building permits.
5. The Project shall comply with the latest adopted edition of the following codes as applicable:
  - a. California Building Code
  - b. California Electrical Code
  - c. California Mechanical Code
  - d. California Plumbing Code
  - e. California Energy Code
  - f. California Fire Code
  - g. California Green Building Standards Code
  - h. California Existing Building Code
  - i. Arcadia Municipal Code
6. The Project shall comply with Chapter 35A Multiple Family Construction Standards as amended in Arcadia Municipal Code Section 8130.20.
7. Prior to the approval of the building plans the Applicant/property owner shall prepare public street improvement plans as follows:
  - a. Prepare separate Street Improvement Plan(s) for Huntington Drive & Gateway Drive along all property frontages from property line to property line to accommodate the changes to the parkway and street, including all removals, reconstruction, relocations, and news-rack removal (Huntington Drive) in the public right-of-way.
  - b. Included on the Street Improvement Plans will be removal of the eastbound and southbound raised medians at the intersection of Huntington Drive & Gateway Drive to create longer left-turn pockets for vehicles entering and exiting the site.
  - c. Striping plans for the Huntington Drive & Gateway Drive intersection will be required with minimum widths of 10 feet for the left-turn pockets and a minimum of 12 feet through/right turn lane next to the curb (Gateway Drive).
8. Prior to approval of the building plans the Applicant/property owner shall submit LID, Hydrology, and Soils Reports for review and approval.
9. Prior to approval of the building plans the Applicant/property owner shall either construct or post security for all public improvements as follows:

- a. Remove and replace existing sidewalk, curb, and gutter along all property frontages from property line to property line to the satisfaction of the City Engineer. Include additional sidewalk to provide adequate clearance around all obstacles.
  - b. Remove and replace all driveway approaches per City standard plan.
  - c. Construct new ADA accessible ramps/domes at driveways where stop signs are proposed.
  - d. Coordinate with Public Works Services on protection of street trees along Huntington Drive and Gateway Drive including the installation of any new street trees.
  - e. Remove and replace the pavement in Gateway Drive adjacent to the development's entire frontage from gutter to gutter per approved street improvement plan.
  - f. Remove raised center medians on Huntington Drive and Gateway Drive and planter area on Huntington Drive with full depth pavement section matching existing thickness per approved street improvement plan.
  - g. Because Huntington Drive is currently under Moratorium, if project is completed prior to September 22, 2026, grind and overlay the pavement in Huntington Drive with extra limits of pavement repair adjacent to the development for the entire frontage from gutter to the centerline of the street or curb of raised median.
  - h. Restripe Huntington Drive & Gateway Drive per approved striping plan.
10. Prior to final occupancy an additional 1-foot minimum easement shall be required on Gateway Drive to accommodate a full 10-foot parkway for sidewalk and utility purposes providing 4foot wide ADA access/path of travel around all obstructions and driveways.
  11. Prior to final occupancy, a plan for the proposed regulations of parking along the Huntington Drive curb in front of the Project shall be submitted to the City Engineer for review and approval. This area is not to be reserved for short-term parking but rather will be designated by the City Engineer.
  12. Street trees shall be preserved as per the Arborist Report dated June 2023. Any removal and replacement of street trees shall be coordinated with the Public Works Services Department and the appropriate fees shall be paid prior to the issuance of a Certificate of Occupancy. All trees remaining on site during and after construction shall be protected utilizing the recommendations provided in the Arborist report.
  13. The Project is subject to Industrial Waste requirements. This will be reviewed through the submittal of plumbing plans. Grease Interceptors are required for all restaurants.

14. A 12" cast iron water main with 59 psi static pressure is available on the south side of Huntington Dr, and a 12" cast iron water main with 60 psi static pressure is available on Gateway Dr. Both mains are available for domestic water and/or fire services. The Applicant/Property Owner shall provide calculations prepared by a licensed Civil or Mechanical Engineer to determine the maximum domestic demand, maximum commercial demand, and maximum fire demand in order to verify the required sizes of water services.
15. The Applicant/Property Owner shall provide separate water services and meters for residential, commercial, and common area landscape irrigation uses. All water services will require approved reduced pressure backflow devices for meter services protection.
16. Domestic water service for residential dwelling units shall be provided by a common master meter installed within the public right-of-way.
17. Fire protection requirements shall be as stipulated by the Arcadia Fire Department and shall be conformed to Arcadia Standard Plan. A separate fire service with Double Check Detector Assembly (DCDA) shall be installed. Location of DCDA shall be closed to the public right-of-way and cannot be inside the building.
18. A Water Meter Clearance Application shall be submitted to the Public Works Services Department prior to permit issuance.
19. New water service installations shall be installed by the Applicant/Property Owner. Installation shall be according to the specifications of the Public Works Services Department, Engineering Division. Abandonment of existing water services, if necessary, shall be carried out by the Applicant/Property Owner, according to Public Works Services Department, Engineering Division specifications.
20. Several City sewer lines are in the Project vicinity as provided below, the Applicant/Property Owner shall utilize existing sewer laterals, if possible.
  - a. An 8" VCP sewer main is available on Huntington Dr.
  - b. An 8" VCP sewer main is available at the site, which leads to Huntington Dr.
  - c. An 8" VCP sewer main is available on Gateway Dr.
21. Prior to a Certificate of Occupancy being issued for the Project, the Applicant/property owner shall make a fair share contribution to a sewer upgrade project in Fifth Avenue. This fair share payment is memorialized as Mitigation Measure UTL-1.
22. If the proposed underground parking structure and/or any part of the building footprint lies within five feet of the existing 8" on-site sewer line, the Applicant/Property Owner shall remove or abandon the entire ~200' long line.

Access to the upstream manhole on that line shall be maintained if the line has not been removed or abandoned.

23. If any drainage fixture elevation on any floor is lower than the elevation of the next upstream manhole cover, an approved type of backwater valve is required to be installed on the lateral behind the property line.
24. Since the proposed project exceeds one acre of disturbed land, applicant must file a Notice of Intent (NOI) with the State Water Resources Control Board for a General Construction NPDES Permit. The NOI will require certain items such as preparation of the Stormwater Pollution Prevention Plan (SWPP), applicable fees, etc. The City will not approve any grading plans until a Waste Discharger Identification (WDID) Number has been issued by the State.
25. The proposed project is subject to low impact development (LID) requirements. Applicant/Property Owner shall integrate LID strategies into the site design. These strategies include using infiltration trenches, bioretention planter boxes, roof drains connected to a landscaped area, pervious concrete/paver, etc.
26. Trash/recycling bins shall be configured to provide easy access for trash collection services. There should be one foot clearance around the trash bins/recycling bins and all bins/carts shall meet the specifications of the Public Works Services Department. At a minimum, trash enclosure areas should accommodate three containers: a 3-yard bin for trash, 3-yard bin for recycling, and 69/96 gallon sized carts for organics recycling. Roof clearance must be 10 feet so trucks can access bins to empty.
27. All areas shall be fire sprinklered. The sprinkler systems serving commercial areas and residential areas shall be segregated.
28. The fire sprinkler system shall be monitored by a UL listed central station. Notification appliances shall be provided in all common areas and residential areas.
29. Class I standpipes shall be provided inside all stairwells on all levels including the roof.
30. New hydrants shall be provided at the following street frontage locations:
  - a. One on the west side of Gateway Drive, towards the north of property
  - b. One on the north side of Huntington Drive, towards the west of property
31. An Emergency Responder Radio Coverage System shall be provided.
32. A knox box shall be provided adjacent to the Lobby area and outside stairwells. Any automatic gates used in parking areas shall be equipped with a knox switch.

33. The emergency gate serving the north side of the property currently acts as a drive through for ladder truck access. The proposed layout will eliminate that access. An approved alternative method of ladder truck turn-around shall be provided to Arcadia Fire Department for review prior to any permit issuance.
34. The Project is responsible for contributing a fair-share payment toward the installation of a cloud-based mitigation system being completed by the Fire Department to ensure response times are maintained or enhanced given new development. This fair-share payment shall be attributed to the seven (7) immediately adjacent intersections evaluated in the traffic study for the Project, and the payment shall not exceed \$17,500.
35. The Project shall be developed and maintained by the Applicant/Property Owner in a manner that is consistent with the plans submitted and conditionally approved for General Plan Amendment No. GPA 22-01, Zone Change No. ZC 22-01, Minor Use Permit No. MUP 22-02, Architectural Design Review No. ADR 22-06, subject to the satisfaction of the Development Services Director or their designee. Noncompliance with the plans, provisions, and conditions of approval shall be grounds for immediate suspension or revocation of any approvals.
36. The Applicant/Property Owner shall be responsible for the repair of all damage to public improvements in the public right-of-way resulting from construction related activities, including, but not limited to, the movement and/or delivery of equipment, materials, and soils to and/or from the site. This shall be determined by the City Engineer and/or Public Works Services Director during construction and up until issuance of a Certificate of Occupancy.
37. Prior to issuance of a building permit, the Applicant/Property Owner shall submit a parking management plan which shall include both a detailed valet parking plan for the Project as well as a parking staging plan for all phases of construction so as to minimize impacts on surrounding businesses and street parking. Said plan shall be subject to review and approval by the Development Services Director, or their designee.
38. Per the recommendations of the Parking Management and Valet Parking Analysis, space counters shall be installed for self-park spaces and dynamic parking displays shall be placed at the Gateway Drive garage driveway entrance indicating the number of self-park spaces occupied and available within the garage. These parking displays shall also be visible from Huntington Drive. All self-park spaces shall be clearly marked.
39. A detailed parking signage plan shall be provided along with Building Permit plans that meets the recommendations of the Derby Parking Management/Valet Operations Analysis dated July 2023. Signage shall include directional signage for

both valet and self-park users, as well as directional signage in both the Courtyard area and parking structure to avoid confusion.

40. All City requirements regarding disabled access and facilities, occupancy limits, building safety, health code compliance, emergency equipment, environmental regulation compliance, and parking and site design shall be complied with to the satisfaction of the Building Official, City Engineer, Development Services Director, Fire Marshal, and Public Works Services Director. Any changes to the existing facility may be subject to having fully detailed plans submitted for plan check review and approval by the aforementioned City officials and employees and may subject to separate building permits.
41. To the maximum extent permitted by law, the Applicant/Owner must defend, indemnify, and hold the City, any departments, agencies, divisions, boards, and/or commissions of the City, and its elected officials, officers, contractors serving as City officials, agents, employees, and attorneys of the City (“Indemnitees”) harmless from liability for damages and/or claims, actions, or proceedings for damages for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Applicant’s activities in connection with GPA 22-01, ZC 22-01, MUP 22-02, ADR 22-06, a Density Bonus and Lot Line Adjustment (“Project”), and which may arise from the direct or indirect operations of the Applicant or those of the Applicant’s contractors, agents, tenants, employees or any other persons acting on Applicant’s behalf, which relate to the development and/or construction of the Project. This indemnity provision applies to all damages and claims, actions, or proceedings for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for the Project.

In the event of any legal action challenging the validity, applicability, or interpretation of any provision of this approval, or any other supporting document relating to the Project, the City will notify the Applicant of the claim, action, or proceedings and will cooperate in the defense of the matter. The Applicant must indemnify, defend and hold harmless the Indemnitees, and each of them, with respect to all liability, costs and expenses incurred by, and/or awarded against, the City or any of the Indemnitees in relation to such action. Within 15 days’ notice from the City of any such action, the Applicant shall provide to the City a cash deposit to cover legal fees, costs, and expenses incurred by City in connection with defense of any legal action in an initial amount to be reasonably determined by the City Attorney. The City may draw funds from the deposit for such fees, costs, and expenses. Within 5 business days of each and every notice from City that the deposit has fallen below the initial amount, Applicant shall replenish the deposit each and every time in order for City’s legal team to continue working on the matter. The City shall only refund to the Developer any unexpended funds from the deposit within 30 days of: (i) a final, non-appealable decision by a court of

competent jurisdiction resolving the legal action; or (ii) full and complete settlement of legal action. The City shall have the right to select legal counsel of its choice. The parties hereby agree to cooperate in defending such action. The City will not voluntarily assist in any such third-party challenge(s). In consideration for approval of the Project, this condition shall remain in effect if the entitlement(s) related to this Project is rescinded or revoked, at the request of the Applicant or not.

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

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

42. **MM-CUL-1.** Prior to commencement of construction activities, an inadvertent discovery clause, written by an archaeologist, shall be added to all construction plans associated with ground disturbing activities and the Project Applicant shall retain a qualified archaeologist, meeting the Secretary of the Interior’s Professional Qualification Standards for Archaeology, to prepare a Worker Environmental Awareness Program (“WEAP”). The WEAP shall be submitted to the City of Arcadia Development Services Department (“City”) for review and approval. All construction personnel and monitors shall be presented the WEAP training prior to the start of construction activities. The WEAP shall be prepared to inform all personnel working on the Project about the archaeological sensitivity of the area, to provide specific details on the kinds of archaeological materials that may be identified during construction, to explain the importance of and legal basis for the protection of significant archaeological resources, and to outline the actions to be taken in the event of a discovery of cultural resources. Each worker shall also learn the proper procedures to follow in the event that cultural resources or human remains are uncovered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate contact of the site supervisor and archaeological monitor.

The WEAP shall require that a qualified archaeologist be retained and on-call to respond to and address any inadvertent discoveries identified during initial excavation in native soils, which underly the 2-4 feet below ground surface of artificial fill soils. As it pertains to archaeological monitoring, this definition excludes movement of sediments after they have been initially disturbed or displaced by project-related construction.

If potential archaeological resources (i.e., sites, features, or artifacts) are exposed during construction activities for the Project, the City shall be notified and all construction work occurring within 50 feet of the find shall immediately stop until a qualified archaeologist can evaluate the significance of the find and determine whether or not additional study is warranted. The archaeologist shall be empowered to temporarily stop or redirect grading activities to allow removal of abundant or large artifacts. Depending upon the significance of the find under the



California Environmental Quality Act (“CEQA”) (14 CCR 15064.5[f]; PRC, Section 21082), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan and data recovery, may be warranted. The archaeologist shall also be required to curate any discovered specimens in a repository with permanent retrievable storage and submit a written report to the City of Arcadia for review and approval prior to occupancy of the first building on the site. Once approved, the final report shall be filed with the South-Central Coastal Information Center (“SCCIC”).

43. **MM-GEO-1.** In the event that paleontological resources (e.g., fossils) are exposed during construction activities for the Project, all construction work occurring within 50 feet of the find shall immediately stop until a Qualified Paleontologist meeting Society of Vertebrate Paleontology (“SVP 2010”) standards can evaluate the significance of the find and determine whether or not additional study is warranted. If the discovery is clearly not significant, the paleontologist may document the find and allow work to continue. If significant paleontological resources are discovered during earthmoving activities, the qualified paleontologist shall prepare and submit a Paleontological Resources Recovery Plan (“PRRP”) to the City for review and approval. The recovery plan shall include, but is not limited to, sampling and fossil recovery procedures, museum curation for any scientifically significant specimen recovered, and a report of findings. Recommendations in the PRRP as approved by the City shall be implemented before construction activities can resume at the site where the significant paleontological resources were discovered. Any reports and plans resulting from implementation of this measure shall be submitted to City’s Planning Division and filed with the Natural History Museum of Los Angeles County.
  
44. **MM-HAZ-1. *Hazardous Building Materials Survey.*** Prior to the issuance of a demolition permit for any existing on-site structures, a qualified environmental specialist shall conduct a survey for asbestos-containing materials, lead-based paint, polychlorinated biphenyls, mercury, and other hazardous building materials, such as universal wastes and refrigerants, to document the presence of any potentially hazardous materials within the structures. If survey results are positive, all potentially hazardous materials identified as part of this survey shall be handled and disposed in accordance with the federal and state hazardous waste and universal waste regulations. Demolition plans and contract specifications shall incorporate any necessary abatement measures in compliance with the findings of the hazardous building materials survey and federal, state, and local regulations, including those of the U.S. Environmental Protection Agency (which regulates disposal), Occupational Safety and Health Administration, California Occupational Safety and Health Administration (which regulates employee exposure), the South Coast Air Quality Management District, and the Metallic Discards Act of 1991 (Public Resources Code Section 42160 et seq.), particularly Public Resources Code Section 42175, Materials Requiring Special Handling, for the removal of

mercury switches, PCB-containing ballasts, and refrigerants. Upon completion of construction activities, proof of proper handling and disposal shall be provided to the City's Public Works Department.

45. **MM-HAZ-2. Contaminated Soil Management.** Prior to the issuance of a grading permit, the Project Applicant/Property Owner shall retain a qualified environmental professional to prepare a soil management plan ("SMP") that outlines the proper screening, handling, characterization, transportation, and disposal procedures for contaminated soils on site based on the findings of the site-specific conditions, geophysical surveys, and Phase I and II Environmental Site Assessments, and shall identify any areas of known or suspected soil contamination. The SMP shall be provided to the City Development Services Department for review prior to any site grading. The Project's contractor shall ensure implementation of the SMP through the contract specifications for all confirmed and suspected contaminated soils which require excavation and offsite disposal. The SMP shall include health and safety and training procedures for construction workers who may come into contact with contaminated soils. The health and safety procedures shall include periodic breathing zone monitoring for volatile organic compounds ("VOCs") using a handheld organic vapor analyzer and include required actions to be taken if concentrations of VOCs exceed applicable screening levels for health and safety of onsite workers and the public. The SMP shall also include instructions for the identification of potentially-impacted soils, procedures for temporary cessation of construction activity and evaluation of the level of environmental concern if potentially-impacted soils or underground storage tanks are encountered, procedures for characterizing and managing potentially-impacted soils, and follow-up procedures such as disposal and reporting, as necessary. Contaminated soil shall be managed and disposed of in accordance with applicable federal, state, and local regulations. Upon completion of construction activities, proof of compliance with the SMP shall be provided to the City's Development Services Department.
  
46. **MM-NOI-1.** Prior to the issuance of a demolition permit, the Project Applicant/Property Owner shall ensure that the following measures are included in the construction contractor's contract specifications and that the following measures are implemented and monitored for compliance throughout construction:
  - a. All construction equipment must have supplier-approved sound muffling devices (e.g., engine air intake or exhaust treatment) installed and used in compliance with relevant industry standards and Cal/OSHA regulations pertaining to construction noise, which shall be properly maintained and used at all times such equipment is in operation.

- b. The construction contractor shall place stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the Project site, including the hotels located adjacent to the northern and northwestern boundaries of the Project site.
  - c. The construction contractor shall locate on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the Project site during the construction period.
  - d. All noise producing construction activities, including warming-up or servicing equipment and any preparation for construction, shall be limited to the hours between 7:00 a.m. and 6:00 p.m. on weekdays.
  - e. An eight (8) foot tall temporary noise barrier shall be erected or installed along an extent of the northern Project site property line where it is adjacent to the nearest noise-sensitive receptor. The barrier can comprise one or more materials of construction and/or assembly, so long as the net sound transmission class (“STC”) is 15 or better, and thus expected to yield a minimum of 5 dB noise reduction when blocking direct sound paths between onsite Project construction noise-producing activities or equipment and the offsite receptor of concern. The horizontal extent of the installed barrier should be compatible with Caltrans or other industry guidance with respect to minimizing flanking effects around the ends of the barrier, based on both the offsite receptor position and the onsite position or zone of construction activity.
47. **MM-TRA-1.** Prior to the issuance of a grading permit, the Project Applicant/Property Owner shall coordinate with the City Engineer to prepare engineering plans that remove and reconfigure the raised median on E. Huntington Drive to extend the eastbound left-turn pocket to at least 75 feet. Plans shall be prepared and implemented to the satisfaction of the City’s Public Works Services Director and the work on E. Huntington Drive shall be completed prior to the issuance of a certificate of occupancy. .
48. **MM TRA 2.** Prior to the issuance of a building permit, the Project Applicant/Property Owner shall prepare a Parking Signage Plan to clearly identify ingress/egress and circulation for residents and commercial visitors. The Parking Signage Plan shall require that adequate signage be installed within the commercial section of the parking structure directing personal vehicles to use the Gateway Drive egress to exit the Project site, and to prohibit egress through the Courtyard to E. Huntington Drive, in order to avoid conflicts with valet operations.
49. **MM-TRA-3.** Prior to the issuance of demolition or grading permits, the Project Applicant/Property Owner shall develop and implement a City-approved

Construction Traffic Control Plan. The Plan shall be prepared in accordance with applicable City guidelines and shall address the potential for construction-related vehicular traffic, as well as pedestrian and bicycle circulation disruption in the public right-of-way. The Plan shall describe safe detours and shall include protocols for implementing the following: temporary traffic controls (e.g., a flag person during heavy truck traffic for soil export) to maintain smooth pedestrian and traffic flow; dedicated on-site turn lanes for construction trucks and equipment leaving the site; scheduling of peak construction truck traffic that affects traffic flow on the arterial system to off-peak hours; consolidation of truck deliveries; and/or rerouting of construction trucks away from congested streets or sensitive receptors.

50. **MM-TCR-1.** *Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities.* The Project Applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the Project description/definition and/or required in connection with the Project, such as public improvement work). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.

A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.

The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered tribal cultural resources (“TCRs”), including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the Project Applicant/lead agency upon written request to the Tribe.

On-site tribal monitoring shall conclude upon the latter of the following: (1) written confirmation to the Kizh from a designated point of contact for the Project Applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the Project site or in connection with the Project are complete; or (2) a determination and written notification by the Kizh to the Project Applicant/lead agency that no future, planned construction activity and/or development/construction phase at the Project site possesses the potential to impact Kizh TCRs.

Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not

resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural, and/or historic purposes.

51. **MM-TCR-2. *Unanticipated Discovery of Human Remains and Associated Funerary Object.*** 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 Public Resources Code Section 5097.98, are also to be treated according to this statute.

If Native American human remains and/or grave goods discovered or recognized on the Project site, then all construction activities shall immediately cease. Health and Safety Code Section 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and all ground-disturbing activities shall immediately halt and shall remain 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 they are Native American, they shall contact, by telephone within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.

Human remains and grave/burial goods shall be treated alike per California Public Resources Code Section 5097.98(d)(1) and (2).

Construction activities may resume in other parts of the Project site at a minimum of 200 feet away from discovered human remains and/or burial goods, if the Kizh determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the Project Manager express consent of that determination (along with any other mitigation measures the Kizh monitor and/or archaeologist deems necessary). (CEQA Guidelines Section 15064.5(f).)

Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. Any historic archaeological material that is not Native American in origin (non-TCR) 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, it shall be offered to a local school or historical society in the area for educational purposes.

Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

52. **MM-TCR-3. *Procedures for Burials and Funerary Remains.*** If it is determined, through compliance with Public Resources Code Section 5097.98 and other applicable regulatory requirements that the Gabrieleño Band of Mission Indians -

Kizh Nation is the Most Likely Descendant (“MLD”), the following shall be implemented:

- a. As the MLD, the Koo-nas-gna Burial Policy 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 preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains.
- b. If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.
- c. The prepared soil and cremation soils 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. Cremations will either be removed in bulk or by means as necessary to ensure complete recovery of all sacred materials.
- d. 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.
- e. In the event preservation in place is not possible despite good faith efforts by the Project Applicant/Property Owner, before ground-disturbing activities may resume on the Project site, the landowner shall arrange a designated site location within the footprint of the Project for the respectful reburial of the human remains and/or ceremonial objects.
- f. 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.

- g. The Tribe will work closely with the Project’s qualified archaeologist to ensure that the excavation is treated carefully, ethically, and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does not authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

53. **MM-UTL-1. Sewer Upgrade Fair Share Payment.** Prior to issuance of a Certificate of Occupancy permit for the Project, the Applicant/Property Owner shall make a fair share contribution of nine percent (9%) of the Fifth Avenue Sewer Upgrade Project cost, not to exceed \$108,000, to the City to help fund upgrading of the sewer line in Fifth Avenue. The Fifth Avenue Sewer Upgrade Project will be included in the City’s 2024-25 Capital Improvement Plan budget and the work will be completed by the City’s Public Works Services Department by the end of the 2024-25 Fiscal Year. This measure shall be implemented to the satisfaction of the City Engineer and/or the City Public Works Services Department as appropriate.

**Introduce Ordinance No. 2398**, amending the zoning designation and zoning map for the property.

Approved:



Dominic Lazzaretto  
City Manager

- Attachment No. 1: Resolution No. 7530
- Attachment No. 2: Resolution No. 7531
- Attachment No. 3: Resolution No. 7532
- Attachment No. 4: Ordinance No. 2398
- Attachment No. 5: Aerial Photo, Zoning Information, and Photos of the Subject Property
- Attachment No. 6: Lot Line Adjustment Plan
- Attachment No. 7: Architectural Plans
- Attachment No. 8: The Derby Parking Management/Valet Parking Operations Analysis
- Attachment No. 9: Planning Commission Minutes, dated November 28, 2023, and Planning Commission Staff Report (without attachments)
- Attachment No. 10: Link to Revised Final Environmental Impact Report, Draft Environmental Impact Report, and Technical Appendices – <https://www.ArcadiaCA.gov/projects>
- Attachment No. 11: Additional Comment Letters on EIR and Responses to Comments

# Attachment No. 1

Resolution No. 7530



RESOLUTION NO. 7530

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA ADOPTING CEQA FINDINGS OF FACT, ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR "THE DERBY MIXED-USE DEVELOPMENT" WITH 214 RESIDENTIAL UNITS, INCLUDING 9 AFFORDABLE UNITS, LOCATED AT 233 & 301 E. HUNTINGTON DRIVE

WHEREAS, on April 15, 2022, applications were filed with the City of Arcadia ("City") for General Plan Amendment No. GPA 22-01, Zone Change No. ZC 22-01, Minor Use Permit No. MUP 22-02, Architectural Design Review No. ADR 22-06, along with a Lot Line Adjustment (filed on August 11, 2022), to construct "The Derby Mixed-Use Development" a new mixed-use development at 233 & 301 East Huntington Drive. The project includes a density bonus and will result in a six-story mixed-use building containing 214 residential units, including 9 affordable units (collectively, the "Project"); and

WHEREAS, a Final Environmental Impact Report (EIR) has been prepared by the City for the Project. This Final EIR has been prepared in conformance with the California Environmental Quality Act of 1970 (CEQA) statutes (Cal. Pub. Res. Code, Section 21000 et. seq., as amended) and implementing guidelines (Cal. Code Regs., Title 14, Section 15000 et. seq.); and

WHEREAS, in accordance with the CEQA Guidelines, a Notice of Preparation (NOP) was circulated for a 30-day public review starting on October 14, 2022, to public agencies, organizations, and interested individuals; and

WHEREAS, on October 26, 2022, an in-person scoping meeting was held. The purpose of this meeting was to seek input from public agencies and the general public

regarding the potential environmental impacts of the proposed Project. The City received no comments/questions with environmental concerns during the scoping meeting but eight (8) individuals requested to be placed on a mailing list for further information; and

WHEREAS, a Draft EIR was made available for public review and comment pursuant to CEQA Guidelines Section 15087. The 45-day public review period for the Draft EIR started on August 4, 2023, and ended on September 19, 2023. At the beginning of the public review period, an electronic copy of the Draft EIR and an electronic copy of the Notice of Completion (NOC) and Notice of Availability (NOA) were submitted to the State Clearinghouse and Los Angeles Records Office. The 45-day public review period provided interested public agencies, groups, and individuals the opportunity to comment on the contents of the Draft EIR. A total of three agency, organization, and individual comment letters were received and are included in Chapter 2, Responses to Comments, of this Final EIR; and

WHEREAS, the Final EIR addresses the comments received during the public review period and includes minor changes to the text of the Draft EIR in accordance with comments; and

WHEREAS, pursuant to CEQA Guidelines Section 15091, the City Council shall make findings for each of the significant effects identified in the EIR and shall support the findings with substantial evidence in the record. After considering the Final EIR in conjunction with making findings under Section 15091, the City may decide whether or how to approve or carry out the Project. When a lead agency approves a project that will result in the occurrence of significant effects that are identified in the Final EIR but are not avoided or substantially lessened, the agency is required by CEQA to state in writing the

specific reasons to support its action based on the Final EIR and/or other information in the record. Because the Project would not result in significant and unavoidable impacts, a “statement of overriding considerations” is not required to be prepared. The Final EIR identified potentially significant effects that could result from the Project but can be mitigated through mitigation measures; and

WHEREAS, on November 28, 2023, a duly noticed public hearing was held before the Planning Commission on said applications, at which time all interested persons were given full opportunity to be heard and to present evidence; and

WHEREAS, the Planning Commission reviewed the Final Environmental Impact Report (SCH #2022100298) consisting of the Draft EIR and responses to comments and errata have been prepared pursuant to California Environmental Quality Act (CEQA; Public Resources Code Section 21000 et seq.) and recommended with a 5-0 vote that the City Council adopt the CEQA findings of fact; the mitigation monitoring and reporting program; and certify the Final EIR for the Derby Mixed Use Development and approve the Project with conditions and mitigation measures; and

WHEREAS, the City Council has reviewed the Final EIR prepared for the Project, the staff reports pertaining to the Final EIR, the Planning Commission hearing minutes and staff report, and all evidence and comments received by the Planning Commission; and

WHEREAS, the Final EIR identified certain significant and potential significant adverse effects on the environment caused by the Project, but that the inclusion of certain mitigation measures as part of the approval of the Project will reduce all impacts to less-

than-significant levels; therefore a Statement of Overriding Considerations is not required; and

WHEREAS, the City Council is required to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects.

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

1. Exhibit “A” (Findings of Fact) and Exhibit “B” (Mitigation Monitoring and Reporting Program) of this Resolution provide findings required under Section 15091 of the CEQA Guidelines for significant effects of the Project. The City Council hereby adopts these various findings of fact attached hereto as Exhibits “A” and “B”.

2. Exhibit A of this Resolution provides the findings required under Section 15093 of the CEQA Guidelines that addresses the environmental effects associated with the proposed Derby Mixed-Use Development, as described in the Draft EIR. The Findings of Fact, attached hereto, examines the full range of potential effects of construction and operation of the Project and identifies mitigation measures that could be employed to reduce, minimize, or avoid any potential effects.

3. After considering the EIR and in conjunction with making these findings, the City Council hereby finds that pursuant to Section 15092 of the CEQA Guidelines that approval of the Project will result in less-than-significant effects on the environment.

4. The City Council has considered alternatives to the Project and finds based on substantial evidence in the record that the Project is the best alternative that can be feasibly implemented in light of relevant economic, legal, social, technological, or other

considerations make the Project infeasible. The City Council hereby rejects all other alternatives, thereof.

5. These findings made by the City Council are supported by substantial evidence in the record, which is summarized herein.

6. The Mitigation Monitoring and Reporting Program attached hereto as Exhibit “B” (“MMRP”) is hereby adopted to ensure implementation of feasible mitigation measures identified in the EIR. The City Council finds that these mitigation measures are fully enforceable conditions on the Project and shall be binding upon the City and affected parties.

7. The City Council finds that the Project is consistent with the General Plan and that approval of the Project is in the public interest and is necessary for the public health, safety, and welfare.

SECTION 3. For the foregoing reasons, the City Council hereby certifies the Final EIR in accordance with CEQA, for the Derby Mixed-Use Development approved under Resolution No. 7532 for the Derby Mixed-Use Development at 233 & 301 E. Huntington Drive, subject to the conditions of approval in Resolution No. 7532 and mitigation measures, attached hereto and under Resolution No. 7532.

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

[SIGNATURES ON THE NEXT PAGE]

Passed, approved and adopted this 19th day of December, 2023.

---

April A. Verlato  
Mayor

ATTEST:

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City Clerk

APPROVED AS TO FORM:



---

Michael J. Maurer  
City Attorney

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**EXHIBIT "A"**  
**FINDINGS OF FACT PER CALIFORNIA ENVIRONMENTAL QUALITY ACT**

(Attached behind this page)



**EXHIBIT “A”**  
**FINDINGS OF FACT**

# FINDINGS OF FACT

## The Derby Mixed-Use Project Final EIR (SCH No. 2022100298)

*Prepared for:*

### **City of Arcadia**

240 W. Huntington Drive  
Arcadia, California 91007

*Contact: Lisa Flores, Planning and Community Development Administrator*

*Prepared by:*

## **DUDEK**

38 North Marengo Avenue  
Pasadena, California 91101

*Contact: Kristin Starbird, Senior Project Manager*

# OCTOBER 2023



# Table of Contents

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<b><u>SECTION</u></b>	<b><u>PAGE NO.</u></b>
<b>1 INTRODUCTION .....</b>	<b>1</b>
1.1 Purpose .....	1
1.1.1 Record of Proceedings .....	2
1.1.2 Custodian and Location of Records.....	2
1.2 Project Summary .....	3
1.2.1 Project Location .....	3
1.1.3 Project Objectives .....	3
1.1.3 Project Description .....	4
1.1.3 Discretionary Actions.....	4
<b>2 CEQA FINDINGS OF INDEPENDENT JUDGEMENT .....</b>	<b>6</b>
2.1 Independent Review and Analysis.....	6
2.2 Impacts Determined to Be Less Than Significant with Mitigation.....	6
2.2.1 Cultural Resources .....	7
2.2.2 Geology and Soils .....	9
2.2.3 Hazards and Hazardous Materials .....	11
2.2.4 Noise.....	15
2.2.5 Transportation.....	17
2.2.6 Tribal Cultural Resources .....	19
2.2.7 Utilities and Service Systems .....	24
2.3 Impacts Determined to Be Less Than Significant .....	25
2.3.1 Aesthetics.....	26
2.4.2 Agriculture and Forestry Resources.....	26
2.4.3 Air Quality .....	27
2.3.4 Biological Resources .....	30
2.4.5 Cultural Resources .....	32
2.3.6 Energy.....	35
2.3.7 Geology and Soils .....	38
2.3.8 Greenhouse Gas Emissions .....	42
2.3.9 Hazards and Hazardous Materials .....	44
2.3.10 Hydrology and Water Quality .....	46
2.3.11 Land Use and Planning.....	50
2.3.12 Mineral Resources.....	52
2.3.13 Noise.....	53
2.3.14 Population and Housing .....	55
2.3.15 Public Services and Recreation .....	58
2.3.16 Transportation.....	62

2.3.17 Tribal Cultural Resources ..... 64

2.3.18 Utilities and Service Systems ..... 65

2.3.19 Wildfire ..... 70

**3 FINDINGS ON PROJECT ALTERNATIVES ..... 71**

3.1 Alternatives Carried Forward for Consideration ..... 71

3.1.1 Alternative A - No Project/No Development ..... 71

3.1.2 Alternative B - Reduced Commercial ..... 73

3.1.2 Alternative C - Reduced Commercial (The Derby)/No H7 Special Height Overlay ..... 74

3.2.2 Environmentally Superior Alternative ..... 75

**4 GENERAL CEQA FINDINGS ..... 77**

4.1 Findings Regarding Recirculation ..... 77

4.2 Legal Effects of Findings ..... 78

**5 CONCLUSION ..... 79**

**6 REFERENCES CITED ..... 81**

# 1 Introduction

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This statement of Findings of Fact (Findings) addresses the environmental effects associated with the proposed The Derby Mixed-Use Project (proposed Project), as described in the Draft Environmental Impact Report (EIR). These Findings are made pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code, Section 21000 et seq.), specifically California Public Resources Code, Sections 21081, 21081.5, and 21081.6, and the CEQA Guidelines (14 CCR 15000 et seq.), specifically Sections 15091 and 15093. The Draft EIR examines the full range of potential effects of construction and operation of the Project and identifies mitigation practices that could be employed to reduce, minimize, or avoid those potential effects.

## 1.1 Purpose

California Public Resources Code, Section 21081, and CEQA Guidelines Section 15091 require that the lead agency, in this case the City of Arcadia (City), prepare written findings for identified significant effects, accompanied by a brief explanation of the rationale for each finding. Specifically, CEQA Guidelines Section 15091 states, in part, that:

- a) 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 possible findings are:
  - 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.

In accordance with California Public Resource Code, Section 21081, and CEQA Guidelines Section 15093, whenever significant effects cannot be mitigated to below a level of significance, the decision-making agency is required to balance, as applicable, the benefits of the project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered “acceptable.” In that case, the decision-making agency may prepare and adopt a Statement of Overriding Considerations (SOC), pursuant to the CEQA Guidelines. The Project does not result in any impacts that cannot be mitigated to a level of less than significant; therefore, a Statement of Overriding Considerations is not required.

The EIR identified potentially significant effects that could result from the Project. The City finds that the inclusion of certain mitigation measures as part of the approval of the Project will reduce all impacts to less-than-significant levels.

As required by CEQA, the City, in adopting these Findings, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the Project. The City finds that the MMRP, which is incorporated by reference and made a part of these Findings, meets the requirements of California Public Resources Code, Section 21081.6, by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the Project.

In accordance with the CEQA Statutes and Guidelines, the City adopts these Findings for the Project. Pursuant to California Public Resources Code, Section 21082.1(c)(3), the City also finds that these Findings reflect the City's independent judgment as the lead agency for the Project.

### 1.1.1 Record of Proceedings

For the purposes of CEQA and the Findings herein set forth, the record of proceedings for the Project consists of those items listed in CEQA Section 21167.6(e). The record of proceedings for the City's decision on the Project consists of the following documents, at a minimum and without limitation, which are incorporated by reference and made part of the record supporting these Findings:

- a) The Notice of Preparation, Notice of Availability, and all other public notices issued by the City in conjunction with the Project
- b) The Draft EIR for the Project and all technical appendices and documents relied upon or incorporated by reference
- c) All written comments submitted by agencies, organizations, or members of the public during the public review comment period on the Draft EIR and the City's responses to those comments
- d) The Final EIR for the Project
- e) The MMRP for the Project
- f) All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City or consultants to the City with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project
- g) All documents submitted to the City by other public agencies or members of the public in connection with the Draft EIR
- h) Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project
- i) Any documentary or other evidence submitted to the City at such information sessions, public meetings, and public hearings
- j) All resolutions adopted by the City regarding the Project, and all staff reports, analyses, and summaries related to the adoption of those resolutions
- k) Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations
- l) Any documents expressly cited in these Findings, in addition to those cited above; and any other materials required for the record of proceedings by CEQA Section 21167.6(e)

### 1.1.2 Custodian and Location of Records

The documents and other materials that constitute the Record of Proceedings for the City's actions related to the Project are located at the City of Arcadia, 240 W. Huntington Drive, California 91007. The City Clerk is the custodian of the Record of Proceedings for the Project.

## 1.2 Project Summary

### 1.2.1 Project Location

The Project site is located within an urban portion of the City within Los Angeles County, approximately 13 miles east of downtown Los Angeles. The western portion of the Project site (APN 5773-009-070) is an approximately 1.34-acre parcel which includes The Derby Restaurant at 233 E. Huntington Drive. The eastern portion of the Project site (APN 5773-009-065) is an approximately 0.89-acre parcel which includes the closed Souplantation restaurant at 301 East Huntington Drive. Regional access to the Project site is provided by the eastbound/westbound Foothill Freeway (Interstate [I-] 210) to the northeast of the Project site, with freeway access ramps via E. Huntington Drive located approximately 0.23-mile from the Project site. The Project site is located approximately 0.32-mile to the southeast of the Los Angeles County Metropolitan Transportation Authority (Metro) A Line (formerly L/Gold Line) Arcadia Station, which is located near the intersection of Santa Clara Street and First Avenue.

North of the Project site are commercial uses (e.g., Embassy Suites, Hampton Inn, and Residence Inn hotels) and associated surface parking lots along with ornamental landscaping. Land uses adjacent to and east of the Project site include various retail and restaurant uses and accompanying surface parking lots and landscaping. The neighboring City of Monrovia boundary is approximately 700 feet east of Gateway Drive (in alignment with Fifth Avenue). Immediately south of the Project site, across E. Huntington Drive, are various retail and restaurant spaces, associated surface parking lots, and landscaping. Further south is the Metro A Line railway as well as the Arcadia Unified School District office building, Bonita Park, and associated surface parking lots. To the southeast are multiple office buildings with surface parking lots and ornamental landscaping. The Metro A Line tracks, which run northwest/southeast in the vicinity of the Project site, are approximately 175 feet to the southwest of the Project site at their closest point. Immediately west of the Project is the Embassy Suites hotel and associated surface parking as well as ornamental landscaping. Other hotel buildings, restaurants, retail spaces, and offices are located west of North 2nd Avenue (Draft EIR, pp. ES-3 and ES-4).

### 1.1.3 Project Objectives

CEQA Guidelines Section 15124 requires an EIR to include a statement of objectives sought by the Project. The objectives assist the City in developing a reasonable range of alternatives to be evaluated in the EIR. The Project objectives also aid decision makers in preparing Findings of Fact and a Statement of Overriding Considerations, if necessary. The statement of objectives also is to include the purpose of a project and may discuss a project's benefits. The Project's specific objectives are as follows (Draft EIR, p. ES-5):

1. To efficiently develop currently under-utilized property within a Transit Priority Area into a mixed-use, high-density, urban development that provides convenient access to alternative forms of transportation, including bicycling, bus lines and the Metro A Line light-rail station.
2. To provide new multifamily residential housing, including affordable housing, that helps meet the City's Regional Housing Needs Allocation (RHNA) requirements.
3. To provide a compact, mixed-use development in Downtown Arcadia within an established Land Use Focus Area to further facilitate the City as a destination stop on the Metro A Line.
4. To encourage building design that creates a cohesive, vibrant look in Downtown Arcadia and that minimizes the appearance of expansive parking lots on major commercial corridors.



5. To provide an adequate amount of on-site vehicle, bicycle, and electric vehicle stalls that satisfy the City's Municipal Code Parking Requirements
6. To provide employment opportunities through construction, maintenance and operation of new housing and commercial uses.
7. To support and modernize a locally important business in the neighborhood with a larger, more open floorplan and up-to-date facilities that meet current building codes.

### 1.1.3 Project Description

The proposed Project would demolish the existing buildings and surface parking lots on the Project site and a lot line adjustment would merge the two existing lots into one legal lot. In addition to The Derby's new restaurant space, the Project would construct 205 market rate units and 9 affordable units (totaling 214 for-rent dwelling units), a 3,300 square foot restaurant space, and a 1,400 square foot café space. The proposed six-story mixed-use building would have an overall maximum height of 71 feet, including a 3-foot parapet. The Project would also include one level of subterranean (i.e., basement level) parking for residents, as well as ground-level commercial and valet parking, including a podium parking structure and surface parking lots. In total, the Project would provide 412 vehicle parking spaces, as well as motorcycle spaces and bicycle parking.

The Project would require a General Plan Amendment to the land use designation of "Downtown Mixed Use" and a zone change to the zoning designation of Downtown Mixed Use (DMU) with a H7 Height Overlay. The environmental impact assessments contained in Section 4.1 through Section 4.15 of this Draft EIR are focused on the environmental impacts associated with redevelopment of the Project site and off-site components required to implement the Project.

The City's General Plan Downtown Mixed Use land-use designation allows for a maximum floor area ratio (FAR) for commercial uses of 1.0. The total commercial area of the Project consists of 17,550 square feet (consisting of The Derby restaurant, an adjacent restaurant, and café space). The Project site is 2.23 acres or approximately 97,139 square feet. Therefore, the Project's FAR would result in 0.18, which is consistent with the General Plan's maximum of 1.0 (Draft EIR, p. ES-4).

### 1.1.3 Discretionary Actions

#### City of Arcadia

The City of Arcadia, as lead agency for the Project, has the responsibility for reviewing, processing, and approving the proposed Project. If development is proposed that results in environmental impacts not assumed within this Draft EIR or covered under the impact analyses and mitigation measures set forth in this Draft EIR, or if substantial changes to the circumstances under which the Project is undertaken and/or new information of substantial importance becomes available after the certification of this Draft EIR, the City will evaluate the need for supplemental environmental documentation per Sections 15162 to 15164 of the State CEQA Guidelines.

The following is a summary of discretionary actions the City of Arcadia will consider (Draft EIR, pp. 3-15 and 3-16):

- General Plan Amendment to Downtown Mixed Use (GPA No. 22-01)
- Zone Change to Downtown Mixed Use with Height Overlay (H7) (ZC No. 22-01)
- Certificate of Demolition (COD No. 22-20)

- Minor Use Permit (Mixed-Use Development; Valet Parking; Outdoor Dining in Excess of 12 Tables (MUP No. 22-02)
- Lot Line Adjustment (LLA No. 22-02)
- Site Plan and Design Review (Density Bonus) (ADR No. 22-06)

### **Responsible Agencies**

A public agency, other than the lead agency, that has discretionary approval over a project is known as a “responsible agency,” as defined by State CEQA Guidelines Section 15096. There are no other public agencies that have discretionary authority over the proposed Project.

### **Other Permits and Approvals**

Other permits and approvals are required for Project implementation that are not subject to discretionary review, but nevertheless require actions by the applicant and/or the City to obtain the necessary approvals to implement the proposed Project. Other permits and approvals required, and their respective agency administrators, are listed below:

- **City of Arcadia**
  - Reduction of required tandem parking spaces in conformance with State Density Bonus Law
  - Tree Permit
  - Grading Permit, Demolition, Building and other construction permits
  - Encroachment permit for work in the City’s right-of-way
- **California Department of Transportation, District 7**
  - Oversized Vehicle Permit
- **California Water Resources Control Board**
  - Coverage under National Pollutant Discharge Elimination System Permit No. CAS000002, General Construction Activity Storm Water Permit and Stormwater Pollution Prevention Plan

# 2 CEQA Findings of Independent Judgement

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## 2.1 Independent Review and Analysis

Under CEQA, the lead agency must (1) independently review and analyze the EIR; (2) circulate draft documents that reflect its independent judgment; (3) as part of the certification of an EIR, find that the report or declaration reflects the independent judgment of the lead agency; and (4) submit copies of the documents to the State Clearinghouse if there is state agency involvement or if the project is of statewide, regional, or area-wide significance (California Public Resources Code, Section 21082.1[c]).

These Findings reflect the City's independent judgment. The City has exercised independent judgment in accordance with CEQA Section 21082.1(c)(3) in retaining its own environmental consultant in the preparation of the EIR, as well as reviewing, analyzing, and revising material prepared by the consultant.

Having received, reviewed, and considered the information in the Final EIR, as well as any and all other information in the record, the City hereby makes findings pursuant to and in accordance with CEQA Sections 21081, 21081.5, and 21081.6.

## 2.2 Impacts Determined to Be Less Than Significant with Mitigation

This section identifies significant adverse impacts of the Project that require findings to be made under CEQA Section 21081(a) and CEQA Guidelines Section 15091(a)(1). Based on substantial evidence, the City finds that adoption of the mitigation measures set forth in this section will reduce the identified significant impacts to less-than-significant levels:

### **Cultural Resources**

- Archaeological Resources
- Cumulative Effect

### **Geology and Soils**

- Paleontological Resources
- Cumulative Effect

### **Hazards and Hazardous Materials**

- Routine Transport, Use, or Disposal of Hazardous Materials/Release of Hazardous Materials and the Potential for Upset Conditions
- Reasonably Foreseeable Upset and Accident Conditions Involving the Release of Hazardous Materials
- Emergency Response Plan or Emergency Evacuation Plan

- Cumulative Effect

**Noise**

- Temporary Increase in Ambient Noise Levels
- Cumulative Effect

**Transportation**

- Hazards due to a Road Design Feature or Incompatible Uses
- Short-term Inadequate Emergency Access

**Tribal Cultural Resources**

- California Public Resource Code, Section 5024.1
- Cumulative Effect

**Utilities and Service Systems**

- Require Construction of New or Expanded Wastewater Conveyance
- Cumulative Effect

Other impacts addressed for Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services and Recreation, Transportation, Utilities and Service Systems, and Wildfire are addressed under Section 2.3, Impacts Determined to Be Less Than Significant.

## 2.2.1 Cultural Resources

### 2.2.1.1 Potentially Significant Impacts to Cultural Resources

**Archaeological Resources**

No prehistoric or historic-era archaeological resources have been identified within the Project site as a result of background research, CHRIS database records search (completed January 13, 2022), or the archaeological pedestrian survey (completed August 2022). The potential to encounter unknown intact archaeological resources is considered low, but possible during ground disturbing activities within native soil (below 2 to 3 ft of existing grade). Due to the inability to observe native soils during the pedestrian survey and because no previous cultural investigation had occurred prior to placement of fill soils there could be the potential for archeological resources to be present in areas below 4 ft in depth. In the event unanticipated archaeological resources are encountered during Project construction, impacts to these resources would be potentially significant. However, implementation of Mitigation Measure (MM-) CUL-1 would require an inadvertent discovery clause, written by an archaeologist, to be added to all construction plans associated with ground disturbing activities and preparation and implementation of a Worker Environmental Awareness Program (WEAP); requires that a qualified archaeologist is retained and on-call to respond to any inadvertent discoveries during Project construction; and requires that all construction work occurring within 50 feet of any find shall immediately stop until a qualified archaeologist, meeting the Secretary of

the Interior's Professional Qualification Standards for Archaeology, can evaluate the significance of the find. Thus, potentially significant impacts to archaeological resources would be reduced to less-than-significant levels with MM-CUL-1 incorporated (Draft EIR, pp. 4.3-21 and 4.3-22).

### **Cumulative Effect**

For archaeological resources, cumulative projects may require extensive excavation in culturally sensitive areas, and thus, may result in adverse effects to known or previously unknown, inadvertently discovered archaeological resources. There is the potential for accidental discovery of other archaeological resources by the Project as well as by cumulative projects. Because all significant cultural resources are unique and non-renewable, all adverse effects or negative impacts contribute to a dwindling resource base. This is considered a significant cumulative impact. However, through implementation of MM-CUL-1 the project-level impact to archeological resources would be reduced to less than significant and no additional mitigation is required (Draft EIR, p. 4.3-23).

## 2.2.1.2 Mitigation Measures

**MM-CUL-1** Prior to commencement of construction activities, an inadvertent discovery clause, written by an archaeologist, shall be added to all construction plans associated with ground disturbing activities and the Project applicant shall retain a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology, to prepare a Worker Environmental Awareness Program (WEAP). The WEAP shall be submitted to the City of Arcadia Planning and Community Development Department (City) for review and approval. All construction personnel and monitors shall be presented the WEAP training prior to the start of construction activities. The WEAP shall be prepared to inform all personnel working on the Project about the archaeological sensitivity of the area, to provide specific details on the kinds of archaeological materials that may be identified during construction, to explain the importance of and legal basis for the protection of significant archaeological resources, and to outline the actions to be taken in the event of a discovery of cultural resources. Each worker shall also learn the proper procedures to follow in the event that cultural resources or human remains are uncovered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate contact of the site supervisor and archaeological monitor.

The WEAP shall require that a qualified archaeologist be retained and on-call to respond to and address any inadvertent discoveries identified during initial excavation in native soils, which underly the 2-4 feet below ground surface of artificial fill soils. As it pertains to archaeological monitoring, this definition excludes movement of sediments after they have been initially disturbed or displaced by project-related construction.

If potential archaeological resources (i.e., sites, features, or artifacts) are exposed during construction activities for the Project, the City shall be notified and all construction work occurring within 50 feet of the find shall immediately stop until a qualified archaeologist can evaluate the significance of the find and determine whether or not additional study is warranted. The archaeologist shall be empowered to temporarily stop or redirect grading activities to allow removal of abundant or large artifacts. Depending upon the significance of the find under the California Environmental Quality Act (CEQA) (14 CCR 15064.5[f]; PRC, Section 21082), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan and data recovery, may

be warranted. The archaeologist shall also be required to curate any discovered specimens in a repository with permanent retrievable storage and submit a written report to the City of Arcadia for review and approval prior to occupancy of the first building on the site. Once approved, the final report shall be filed with the South-Central Coastal Information Center (SCCIC).

### 2.2.1.3 Findings per CEQA Guidelines

Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts were developed for the potentially significant impacts described in Section 2.2.1.1. This feasible measure, MM-CUL-1, is listed in Section 2.2.1.2.

The City finds that this mitigation measure is feasible, as adopted, and will reduce the Project's potential impacts to cultural resources to less than significant levels. Accordingly, the City finds that, pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in or incorporated into the Project that will mitigate or avoid potentially significant impacts on cultural resources.

### 2.2.1.4 Facts in Support of the Findings Related to Cultural Resources

Implementation of MM-CUL-1 would reduce potentially significant impacts to archaeological resources by addressing the inadvertent discovery of archeological resources. There would be no significant, unavoidable impacts related to cultural resources after implementation of this mitigation measure.

## 2.2.2 Geology and Soils

### 2.2.2.1 Potentially Significant Impacts to Geology and Soils

#### **Paleontological Resources**

No paleontological resources were identified within the Project site as a result of the paleontological records search and desktop geological review; however, numerous fossil localities from Pleistocene alluvial deposits have been documented nearby (see Draft EIR Appendix E-2). While the Project site has been disturbed by development over the years, intact paleontological resources may be present below the original layer of fill and Holocene alluvial deposits. The Project site has low paleontological sensitive that increases with depth, where Pleistocene deposits may occur. In the event that intact paleontological resources are present Project site at depth, ground-disturbing activities associated with construction of the Project have the potential to destroy a unique paleontological resource or site. Without mitigation, the potential damage to paleontological resources during construction would be a potentially significant impact. However, upon implementation of MM-GEO-1, construction impacts would be less than significant (Draft EIR, p. 4.5-18).

#### **Cumulative Effect**

Most impacts to paleontological resources are site-specific and are therefore generally mitigated on a project-by-project basis. Cumulative projects would be required to assess impacts to paleontological resources. Additionally, as needed, projects would incorporate individual mitigation for site-specific geological units present on each individual project site. Furthermore, the Project does not propose construction (including grading/excavation) or design features that could directly or indirectly contribute to an increase in a cumulative impact to paleontological resources, as the mitigation measure provided in this analysis ensures any significant paleontological resources

uncovered during Project excavations would be properly analyzed and salvaged by a qualified paleontologist. Therefore, the Project's incremental contribution to impacts related to paleontological resources would not be cumulatively considerable (Draft EIR, pp. 4.5-20 and 4.5-21).

### 2.2.2.2 Mitigation Measures

**MM-GEO-1** In the event that paleontological resources (e.g., fossils) are exposed during construction activities for the Project, all construction work occurring within 50 feet of the find shall immediately stop until a Qualified Paleontologist meeting Society of Vertebrate Paleontology (SVP 2010) standards can evaluate the significance of the find and determine whether or not additional study is warranted. If the discovery is clearly not significant, the paleontologist may document the find and allow work to continue. If significant paleontological resources are discovered during earthmoving activities, the qualified paleontologist shall prepare and submit a Paleontological Resources Recovery Plan (PRRP) to the City for review and approval. The recovery plan shall include, but is not limited to, sampling and fossil recovery procedures, museum curation for any scientifically significant specimen recovered, and a report of findings. Recommendations in the PRRP as approved by the City shall be implemented before construction activities can resume at the site where the significant paleontological resources were discovered. Any reports and plans resulting from implementation of this measure shall be submitted to City Planning Division and filed with the Natural History Museum of Los Angeles County.

### 2.2.2.3 Findings per CEQA Guidelines

Consistent with CEQA Guidelines Section 15126.4(a)(1), a feasible measure that can minimize significant adverse impacts was developed for the potentially significant impacts described in Section 2.2.2.1. This feasible measure, MM-GEO-1, is listed in Section 2.2.2.2.

The City finds that this mitigation measure is feasible, is adopted, and will reduce the Project's potential impacts to paleontological resources to less than significant levels. Accordingly, the City finds that, pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid potentially significant impacts related to geology and soils.

### 2.2.2.4 Facts in Support of the Findings Related to Geology and Soils

Potential impacts to geology and soils would be less than significant. Incorporation of MM-GEO-1 would reduce construction-related impacts to paleontological resources to a less-than-significant level. There would be no significant, unavoidable impacts related to geology and soils after implementation of these mitigation measures.

## 2.2.3 Hazards and Hazardous Materials

### 2.2.3.1 Potentially Significant Impacts to Hazards and Hazardous Materials

#### **Routine Transport, Use, or Disposal of Hazardous Materials/Release of Hazardous Materials and the Potential for Upset Conditions**

##### ***Short-Term Construction Impacts***

Given the age of the building located at 233 E. Huntington Drive (The Derby Restaurant), there is a possibility that asbestos-containing materials and lead based paint is present at the property. While unlikely given the date of construction, there is a possibility these materials are also present in the building located at 301 E. Huntington Drive (former Souplantation restaurant). Additionally, many commercial buildings contain small amounts of PCBs, mercury, and other universal wastes in such items as light fixtures and thermostats. Demolition of structures that contain asbestos or other hazardous materials/wastes could result in a hazard during transport and disposal of the construction debris, if not properly identified and managed. MM-HAZ-1 requires proper abatement of asbestos and lead-based paint and identification and abatement of other hazardous materials and universal wastes prior to demolition and construction activities. With implementation of MM-HAZ-1, impacts associated with the routine transport of asbestos, universal wastes, and hazardous materials for offsite disposal would be less-than-significant with mitigation incorporated (Draft EIR, p. 4.7-17).

#### **Reasonably Foreseeable Upset and Accident Conditions**

##### ***Short-Term Construction Impacts***

The proposed Project has the potential to expose the public and the environment to hazards associated with the removal, transport and disposal of hazardous materials including asbestos, lead-based paint (LBP), polychlorinated biphenyls (PCB)-containing items, and universal wastes present in the buildings scheduled for demolition. Management of hazardous materials and waste during pre-demolition abatement activities would be addressed by MM-HAZ-1. Construction activities would not be conducted in areas where hazardous materials are stored, and potential impacts associated with hazardous materials would be addressed under MM-HAZ-1, therefore impacts would be less than significant with mitigation incorporated.

A gasoline station was previously located in the eastern portion of the Project site between approximately 1938 and 1964. Prior to the development of the Souplantation restaurant in 1988, soil sampling was conducted in the area where the former gas station was located (Converse 1988). Soil samples were analyzed for petroleum hydrocarbons, benzene, toluene, xylenes, and oil and grease. None of the samples were found to exceed laboratory reporting limits (Converse 1988). One sample contained 1,461 mg/kg of total petroleum hydrocarbons and no TPH was detected that exceeded the laboratory reporting limit. No further analysis was recommended in the Phase I ESA (see Appendix F-2 of the Draft EIR) (Converse 1988).

The Phase II ESA conducted for the Project site included taking more soil samples and sub-slab vapor samples. The samples were analyzed for volatile organic compounds (VOCs) and total petroleum hydrocarbons (TPH). The analysis concluded that no VOCs or TPH were present in any of the soil or sub-slab vapor samples (Appendix F-3 of the Draft EIR). The lack of sub-slab vapor detections, along with the lack of soil detections at depth, indicates that there likely is not widespread contamination at the site; however, it is still possible that some contamination and/or additional USTs exist on the property. As a result, MM-HAZ-2 would be implemented, which includes a soil management plan



(SMP) be prepared to properly handle, transport, and dispose of contaminated soils removed from the Project site. With adherence to federal, state, and local laws and regulations, and implementation of MM-HAZ-1 and MM-HAZ-2, short-term construction impacts associated with potential upset and accident conditions involving the release of hazardous materials to the environment would be less than significant with mitigation incorporated (Draft EIR, pp. 4.7-18 and 4.7-19).

***Long-Term Operational Impacts***

According to the Los Angeles County Department of Public Works (LACDPW) the Project site is not located within 300 feet of an oil or gas well or 1,000 feet of a methane-producing site; therefore, impacts due to proximity are not anticipated (LADPW 2022). Additionally, the on-site soil and soil vapor sampling has indicated that it is unlikely that widespread contamination of hazardous materials has occurred on the Project site. The implementation of MM-HAZ-1 and MM-HAZ 2 however, would ensure that the post-construction level of hazardous materials would be decreased to a less-than-significant level (Draft EIR, p. 4.7-19).

**Emergency Response Plan or Emergency Evacuation Plan**

***Short-Term Construction Impacts***

Construction of the Project would occur primarily within the confines of the Project site; however, temporary construction activities would be required in the adjacent roadway rights-of-way for the removal and/or reconfiguration of raised medians on Gateway Drive and E. Huntington Drive, removal of a City-maintained landscaped area protruding onto E. Huntington Drive, removal and reconfiguration of curb cuts, and required utility connections. In accordance with MM-TRA-3 (discussed in Section 2.2.5, Transportation, of these Findings) the Project applicant or the contractor shall develop and implement a City-approved Construction Traffic Control Plan to ensure that appropriate detours and protocols are put in place during construction in order to maintain the safe pedestrian and traffic flow, including in the event of an emergency evacuation or other emergency response situation. Additionally, in accordance with Section 3303.1 of the California Fire Code (CFC), the Project applicant or the contractor would be required to develop and implement a Site Safety Plan which would establish a fire prevention program at the Project site that would be implemented throughout all phases of construction, repair, alternation, or demolition work. The Site Safety Plan shall be submitted to the Arcadia Fire Department prior to the issuance of a grading permit and shall include the designation of a site safety director, procedures for reporting emergencies, fire department vehicle access routes, locations of fire protection equipment, smoking and cooking policies, location and safety considerations for temporary heating equipment, plans for control of combustible waste material, and provisions of site security. Thus, with implementation of MM-TRA 3 and compliance with Section 3303.1 of the CFC, the short-term construction impacts would be less than significant (Draft EIR 4.7-20).

**Cumulative Effects**

***Routine Transport, Use, or Disposal of Hazardous Materials/Release of Hazardous Materials and the Potential for Upset Conditions***

With implementation of MM-HAZ-1, impacts associated with the routine transport of asbestos, universal wastes, and hazardous materials for offsite disposal during construction would be less than significant with mitigation incorporated. Through the required CEQA review process, if it is determined that existing regulations are insufficient to reduce other cumulative project impacts to less than significant levels, than the City would require implementation of similar mitigation measures on a project-by-project basis. Therefore, through compliance with

applicable regulations and required CEQA review, which would ensure implementation of any required mitigation, impacts related to the Project in combination with cumulative projects would not be cumulatively considerable (Draft EIR, p. 4.7-22).

#### ***Reasonably Foreseeable Upset and Accident Conditions***

The Project site has the possibility of soil contamination and/or additional USTs exist on the property. As a result, the Project incorporates MM-HAZ-2, which requires a SMP to be prepared to properly handle, transport, and dispose of contaminated soils from the Project site. The SMP required by MM-HAZ-2 would also include health and safety procedures, including breathing zone monitoring, to prevent possible exposure of onsite workers to elevated concentrations of hazardous materials. Implementation of MM-HAZ-1 and MM-HAZ-2 would ensure that Project-related activities would not result in significant impacts. Similar to the proposed Project, cumulative projects would be required to comply with local, state, and federal laws that govern the removal of such substances and the proper treatment of contaminated soils. Compliance with these laws would prevent the release of hazardous building materials resulting from construction activities on the sites of cumulative projects in the immediate vicinity and prevent releases of hazardous materials from soils on the Project site or cumulative project sites into the environment. As with the Project, cumulative projects would be subject to CEQA, whereby any potential impacts related to hazards created by upset and accident conditions involving the release of hazardous materials into the environment would be identified and mitigated, as appropriate. As such by adhering to existing requirements and regulations, and with implementation of required mitigation, cumulative impacts would not be cumulatively considerable (Draft EIR, p. 4.7-23).

#### ***Emergency Response Plan or Emergency Evacuation Plan***

The cumulative projects are in the vicinity of E. Huntington Drive and Interstate-210, which are designated disaster evacuation routes. Although construction of cumulative projects would occur primarily within the project sites, temporary construction activities may be required in the roadway right-of-way along E. Huntington Drive for cumulative projects A6, A2, M1, M2, and M3 which has the potential to interfere with traffic flow and emergency response. However, as with Project, the cumulative projects in the City and neighboring City of Monrovia would be subject to CEQA review. Through CEQA, any potential construction related impacts with the potential to impair or interfere with an adopted emergency response plan or emergency evacuation plan would be identified and mitigated at the project level, as appropriate. Additionally, cumulative projects along E. Huntington Drive are a substantial enough distance away from one another so as not to cause a bottleneck on a specific block or segment of E. Huntington Drive. As with the City, the City of Monrovia has adopted the CFC as their municipal fire code. Thus, all cumulative projects would be subject to CFC provisions pertaining to emergency access and preparedness, which would help support emergency responders and emergency response activities in the event of a natural disaster or other largescale event requiring implementation of an emergency response or evacuation plan, such as the OAERP or EMP. For cumulative projects in the City, the General Plan Safety Element contains policies which require police and fire department personnel to be involved in the development review process and require new developments to pay for costs associated with increased public safety needs. Thus, with compliance with applicable CFC standards, City General Plan policies, and implementation of MM-TRA-3, the Project's impacts, in combination with cumulative projects, would not be cumulatively considerable (Draft EIR, p. 4.7-24).

### 2.2.3.2 Mitigation Measures

**MM-HAZ-1 Hazardous Building Materials Survey.** Prior to the issuance of a demolition permit for any existing on-site structures, a qualified environmental specialist shall conduct a survey for asbestos-

containing materials, lead-based paint, polychlorinated biphenyls, mercury, and other hazardous building materials, such as universal wastes and refrigerants, to document the presence of any potentially hazardous materials within the structures. If survey results are positive, all potentially hazardous materials identified as part of this survey shall be handled and disposed in accordance with the federal and state hazardous waste and universal waste regulations. Demolition plans and contract specifications shall incorporate any necessary abatement measures in compliance with the findings of the hazardous building materials survey and federal, state, and local regulations, including those of the U.S. Environmental Protection Agency (which regulates disposal), Occupational Safety and Health Administration, California Occupational Safety and Health Administration (which regulates employee exposure), the South Coast Air Quality Management District, and the Metallic Discards Act of 1991 (Public Resources Code, Section 42160 et seq.), particularly Public Resources Code, Section 42175, Materials Requiring Special Handling, for the removal of mercury switches, PCB-containing ballasts, and refrigerants. Upon completion of construction activities, proof of proper handling and disposal shall be provided to the City's Public Works Department.

**MM-HAZ-2 Contaminated Soil Management.** Prior to the issuance of a grading permit, the Project applicant/developer shall retain a qualified environmental professional to prepare a soil management plan (SMP) that outlines the proper screening, handling, characterization, transportation, and disposal procedures for contaminated soils on site based on the findings of the site-specific conditions, geophysical surveys, and Phase I and II Environmental Site Assessments, and shall identify any areas of known or suspected soil contamination. The SMP shall be provided to the City's Development Services Department for review prior to any site grading. The Project's contractor shall ensure implementation of the SMP through the contract specifications for all confirmed and suspected contaminated soils which require excavation and offsite disposal. The SMP shall include health and safety and training procedures for construction workers who may come into contact with contaminated soils. The health and safety procedures shall include periodic breathing zone monitoring for volatile organic compounds (VOCs) using a handheld organic vapor analyzer and include required actions to be taken if concentrations of VOCs exceed applicable screening levels for health and safety of onsite workers and the public. The SMP shall also include instructions for the identification of potentially-impacted soils, procedures for temporary cessation of construction activity and evaluation of the level of environmental concern if potentially-impacted soils or underground storage tanks are encountered, procedures for characterizing and managing potentially-impacted soils, and follow-up procedures such as disposal and reporting, as necessary. Contaminated soil shall be managed and disposed of in accordance with applicable federal, state, and local regulations. Upon completion of construction activities, proof of compliance with the SMP shall be provided to the City's Development Services Department.

**MM-TRA-3** See Section 2.2.5, Transportation, of these Findings.

### 2.2.3.3 Findings per CEQA Guidelines

Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts were developed for the potentially significant impacts described in Section 2.3.3.1. These feasible measures, MM-HAZ-1, MM-HAZ-2, and MM-TRA-3 are listed in Section 2.2.3.2.

The City finds that these mitigation measures are feasible, are adopted, and will reduce the Project's potential impacts related to hazards and hazardous materials to less than significant levels. Accordingly, the City finds that, pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in or incorporated into the Project that will mitigate or avoid potentially significant impacts related to hazards and hazardous materials.

### 2.2.3.4 Facts in Support of the Findings Related to Hazards and Hazardous Materials

Implementation of MM-HAZ-1, MM-HAZ-2, and MM-TRA-3 would reduce potentially significant impacts related to hazards and hazardous materials. There would be no significant, unavoidable impacts related to hazards and hazardous materials after implementation of this mitigation measure.

## 2.2.4 Noise

### 2.2.4.1 Potentially Significant Impacts to Noise

#### **Temporary or Permanent Increase in Ambient Noise Levels**

##### ***Construction***

Construction noise is considered a short-term impact and would be considered significant if construction activities occur outside the City's allowable hours of operation (see Conditions of Approval under Section 4.10.2.3 of the Draft EIR). At the nearest noise sensitive receptor location (the Hampton Inn hotel pool), construction noise would reach up to 89 dBA  $L_{eq}$ , which is below Cal/OSHA's PEL (90 dBA) but greater than the AL limit (85 dBA) and thus trigger a potential impact. Therefore, mitigation measure MM-NOI-1 is included to reduce construction noise exposure levels below the action level when construction activities are allowed to occur during specified time periods. Outside of these hours, and as emphasized by the City's Conditions of Approval, Sections 4261-4263 of the Arcadia Municipal Code (AMC) prohibits construction activity during these hours: 6:00 p.m. to 7:00 a.m. on any weekday, 5:00 p.m. to 8:00 a.m. on any Saturday, and any time on Sunday or holidays. Therefore, with MM-NOI-1 applied to the Project, construction noise would be considered less than significant (Draft EIR, p. 4.10-18 and 4.10-19).

#### **Cumulative Effects**

##### ***Noise in Excess of Standards***

Implementation of the Project as well as unrelated development projects within its vicinity would all be individually subject to applicable noise standards. On this basis, and because noise impacts of the Project with respect to relevant standards would be less than significant with mitigation, the Project would not contribute to cumulative exceedances of noise standards, and its incremental effect would be a less-than-significant impact (Draft EIR, p. 4.10-22).

## 2.2.4.2 Mitigation Measures

### MM-NOI-1

Prior to the issuance of a demolition permit, the Project applicant/developer shall ensure that the following measures are included in the construction contractor's contract specifications and that the following measures are implemented and monitored for compliance throughout construction:

- All construction equipment must have supplier-approved sound muffling devices (e.g., engine air intake or exhaust treatment) installed and used in compliance with relevant industry standards and Cal/OSHA regulations pertaining to construction noise, which shall be properly maintained and used at all times such equipment is in operation.
- The construction contractor shall place stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the Project site, including the hotels located adjacent to the northern and northwestern boundaries of the Project site.
- The construction contractor shall locate on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the Project site during the construction period.
- All noise producing construction activities, including warming-up or servicing equipment and any preparation for construction, shall be limited to the hours between 7:00 a.m. and 6:00 p.m. on weekdays.
- An eight (8) foot tall temporary noise barrier shall be erected or installed along an extent of the northern Project site property line where it is adjacent to the nearest noise-sensitive receptor. The barrier can comprise one or more materials of construction and/or assembly, so long as the net sound transmission class (STC) is 15 or better, and thus expected to yield a minimum of 5 dB noise reduction when blocking direct sound paths between onsite Project construction noise-producing activities or equipment and the offsite receptor of concern. The horizontal extent of the installed barrier should be compatible with Caltrans or other industry guidance with respect to minimizing flanking effects around the ends of the barrier, based on both the offsite receptor position and the onsite position or zone of construction activity.

## 2.2.4.3 Findings per CEQA Guidelines

Consistent with CEQA Guidelines Section 15126.4(a)(1), a feasible measure that can minimize significant adverse impacts was developed for the potentially significant impacts described in Section 2.2.4.1. This feasible measure, MM-NOI-1, is listed in Section 2.2.4.2.

The City finds that this mitigation measure is feasible, is adopted, and will reduce the potential noise-related impacts of the Project to less than significant levels. Accordingly, the City finds that, pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in or incorporated into the Project that will mitigate or avoid potentially significant impacts related to noise.

## 2.2.4.4 Facts in Support of the Findings Related to Noise

With incorporation of MM-NOI-1, potential significant impacts related to construction noise would be reduced to less than significant. All other potential environmental impacts to noise would be less than significant. There would be no significant, unavoidable impacts related to noise after implementation of this mitigation measure.

## 2.2.5 Transportation

### 2.2.5.1 Potentially Significant Impacts to Transportation

#### **Hazards due to a Road Design Feature or Incompatible Uses**

##### ***On and Off-Site Queuing Analysis***

A queuing analysis was prepared for all Project driveways to assess the adequacy of any off-site storage lanes into the Project site, as well as the adequacy of driveway throat lengths and space on-site for vehicles to queue without effecting the internal circulation on the Project site. None of the calculated 95<sup>th</sup> percentile (design) queues exceed storage capacities within the existing left-turn pockets on Gateway Drive or the two-way-left-turn lane (TWLTL) along E. Huntington Drive, with exception of the eastbound left-turn pocket at the Gateway Drive/E. Huntington Drive intersection. Analysis of existing conditions shows that queuing extends past the approximately 35 feet left-turn pocket (see Appendix J of the Draft EIR). As this pocket length is limited under current conditions, further exceedance of the available storage capacity is expected with the addition of Project trips. Therefore, impacts related to roadway design would be significant prior to mitigation.

Therefore, to ensure that adequate stacking distance is available, Mitigation Measure (MM) TRA-1 is required and includes removing and reconfiguring the raised median on E. Huntington Drive to extend the eastbound left-turn pocket onto Gateway Drive to be at least 75 feet in length. It is anticipated that implementation of MM-TRA-1 would likely require the elimination of the median in its entirety; however, design plans must be prepared and submitted to the City and implemented to the satisfaction of the City's Public Works Director.

Additionally, queuing is forecast to extend up to 255 feet (approximately 10 vehicles) within the courtyard for vehicles exiting out to E. Huntington Drive under Horizon Year (2040) plus Project conditions. Approximately 125 feet (or five (5) vehicles) could queue within the courtyard to exit the site before queued vehicles begin to impact other on-site operations. However, it should be noted that this driveway is primarily set up as a valet entrance and exit for The Derby restaurant, and other users would likely use the parking garage entrance along Gateway Drive (Driveway B) if they observe queuing within the courtyard. To limit driver confusion, MM-TRA-2 is required, which would mandate the preparation of a Parking Signage Plan that requires appropriate signage for residents and commercial visitors. The Plan must include signage within the commercial section of the parking structure directing personal vehicles to use the Gateway Drive egress to exit the Project site in order to eliminate potential conflicts with valet operations.

Implementation of MM-TRA-1 and MM-TRA-2 would reduce potential impacts related to queuing to less than significant. Aside from the above-mentioned queues, none of the other queues are forecast to conflict with turning movements into or out of the Project site, or within the internal access drive aisles, with Project-added traffic during the Opening Year (2025) and Horizon Year (2040) conditions (Draft EIR, pp. 4.13-12 through 4.13-14).

#### **Inadequate Emergency Access.**

##### ***Construction***

Short-term adverse traffic and parking impacts could occur in the Project vicinity during construction of the Project. Additional trips generated by the truck deliveries and construction employees could affect traffic flow in the study area; construction activity could impact traffic near the Project site; and pedestrian traffic flow near the Project site

could also be altered as a result of construction. To ensure adequate safeguards for pedestrian, bicycle and vehicular circulation and emergency vehicle access during short-term construction activities, MM-TRA-3 requires preparation of a Construction Traffic Control Plan to address pedestrian, bicycle, and vehicular circulation during construction activities. Implementation of MM-TRA-3 would reduce potential impacts related to emergency access to less than significant (Draft EIR, p. 4.13-14).

### **Cumulative Effect**

#### ***Hazards due to a Road Design Feature or Incompatible Uses***

As discussed above, the Project's reconfiguration of the existing site access would not result in hazardous conditions into or out of the Project site, with the exception of the eastbound left-turn pocket at the Gateway Drive/E. Huntington Drive intersection. Therefore, to ensure that adequate stacking distance is available, MM-TRA-1 is required and includes removing and reconfiguring the raised median on E. Huntington Drive to extend the eastbound left-turn pocket to at least 75 feet. Extending the left turn pocket would accommodate the Opening Year (2025) Plus Project and Horizon Year (2040) Plus Project conditions, which accounts for cumulative traffic in the study area. Additionally, queuing is forecast to extend up to 193 feet (approximately 8 vehicles) within the courtyard for vehicles exiting out to E. Huntington Drive under Horizon Year (2040) plus Project conditions. To limit driver confusion, MM-TRA-2 is required and includes installing signage within the commercial section of the parking structure directing personal vehicles to use the Gateway Drive egress to exit the Project site during valet operations. With implementation of MM-TRA-1 and MM-TRA-2, the Project would not result in adverse circulation conditions and would be less than significant. The Project would not contribute to cumulative impacts with respect to hazardous design features.

#### ***Inadequate Emergency Access***

Impacts related to inadequate emergency access would be identical to the impacts described in the Project-specific impacts section; therefore, they are not repeated in the cumulative impact's evaluation. MM-TRA-3 requires preparation of a Construction Traffic Control Plan to address pedestrian, bicycle, and vehicular circulation during construction activities, which would address any potential cumulative impacts related to traffic along E. Huntington Drive. Implementation of MM-TRA-3 would reduce potential impacts related to emergency access to less than significant and the Project would not make a cumulatively considerable contribution to inadequate emergency access.

### 2.2.5.2 Mitigation Measures

**MM-TRA-1** Prior to the issuance of a grading permit, the Project applicant/developer shall coordinate with the City Engineer to prepare engineering plans that remove and reconfigure the raised median on E. Huntington Drive to extend the eastbound left-turn pocket to at least 75 feet. Plans shall be prepared and implemented to the satisfaction of the City's Public Works Director. The reconfigured median on E. Huntington Drive shall be completed and operational prior to the issuance of a certificate of occupancy for The Derby restaurant.

**MM-TRA-2** Prior to the issuance of a building permit, the Project applicant/developer shall prepare a Parking Signage Plan to clearly identify ingress/egress and circulation for residents and commercial visitors. The Parking Signage Plan shall require that adequate signage be installed within the commercial section of the parking structure directing personal vehicles to use the Gateway Drive

egress to exit the Project site, and to prohibit egress through the courtyard to E. Huntington Drive, in order to avoid conflicts with valet operations.

**MM-TRA-3** Prior to the issuance of demolition or grading permits, the Project applicant/developer shall have a qualified transportation professional prepare a Construction Traffic Control Plan, which shall be submitted to the City for review and approval. The Plan shall be prepared in accordance with applicable City guidelines and shall address the potential for construction-related vehicular traffic, as well as pedestrian and bicycle circulation disruption in the public right-of-way. The Plan shall describe safe detours and shall include protocols for implementing the following: temporary traffic controls (e.g., a flag person during heavy truck traffic for soil export) to maintain safe pedestrian and traffic flow; dedicated on-site turn lanes for construction trucks and equipment leaving the site; scheduling of peak construction truck traffic that affects traffic flow on the arterial system to off-peak hours; consolidation of truck deliveries; and/or rerouting of construction trucks away from congested streets or sensitive receptors.

### 2.2.5.3 Findings per CEQA Guidelines

Consistent with CEQA Guidelines Section 15126.4(a)(1), a feasible measure that can minimize significant adverse impacts was developed for the potentially significant impacts described in Section 2.2.5.1. These feasible measures MM-TRA-1, MM-TRA-2, and MM-TRA-3 are listed in Section 2.2.5.2.

The City finds that this mitigation measure is feasible, is adopted, and will reduce the potential transportation-related impacts of the Project to less than significant levels. Accordingly, the City finds that, pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in or incorporated into the Project that will mitigate or avoid potentially significant impacts related to transportation.

### 2.2.5.4 Facts in Support of the Findings Related to Transportation

With incorporation of MM-TRA-1, MM-TRA-2, and MM-TRA-3, potential significant impacts related transportation would be reduced to less than significant. All other potential environmental impacts to transportation would be less than significant. There would be no significant, unavoidable impacts related to transportation after implementation of this mitigation measure.

## 2.2.6 Tribal Cultural Resources

### 2.2.6.1 Potentially Significant Impacts to Tribal Cultural Resources

#### **Register of Historical Resources and Public Resource Code Section 5024.1**

Assembly Bill (AB 52) requires lead agencies to provide tribes who have requested notification with early notice of the proposed Project and, if requested, consultation to inform the CEQA process with respect to tribal cultural resources (TCRs). Two Native American tribes (the Gabrieleño Band of Mission Indians – Kizh Nation [Kizh Nation] and the Gabrielino Tongva Tribe) requested to be notified of AB-52-eligible projects under the City's jurisdiction. Consultation with the Kizh Nation occurred on January 31, 2023 and has been concluded.



Visual observation of the current conditions within the proposed Project site indicate that all areas have been disturbed as a result of urban development. Neither the California Historical Resources Information System (CHRIS) records search nor the pedestrian survey was able to identify any archaeological resources within the Project site. However, the Kizh Nation provided tribal archival documentation to the City that demonstrates the cultural sensitivity of the area to the Tribe. Consultation under Senate Bill (SB) 18 did not identify any specific, known TCRs within the Project site.

Project construction would involve some disturbance to native soils whether intact or previously disturbed. Because the proposed Project would involve excavations to a depth of up to 14 feet below ground surface and drilling up to a depth of 45 feet below ground surface, and due to the cultural sensitivity of the area, as determined through consultation with the Kizh Nation, it is determined that there is potential for a previously undiscovered resource to be encountered during excavation, particularly within native soils. If resources were to be uncovered but not properly treated, they could be destroyed or damaged, resulting in a potentially significant impact. Mitigation measure (MM) MM-CUL-1 has been provided to ensure that potential impacts related to inadvertent discovery of archaeological resources would be less than significant. In the event of a discovery of human remains on the Project site during construction activities, the most likely descendant (MLD) would be assigned by the Native American Heritage Commission (NAHC) through the mandated process under Public Resources Code (PRC) section 5097.98 and other regulatory conditions. In consideration of the information provided by the Kizh Nation during tribal consultation, additional mitigation measures have been incorporated to ensure anticipatory measures are taken in the event that unknown TCRs are inadvertently encountered during Project construction-related earthwork activities. These mitigation measures are outlined in MM-TCR-1 through MM-TCR-3 intended to be implemented in concert with MM-CUL-1. Therefore, with implementation of MM-TCR-1 through MM-TCR-3, the impact regarding a potential substantial adverse change in the significance of a TCR would be less than significant with mitigation.

### **Cumulative Effects**

#### ***Register of Historical Resources and Public Resource Code Section 5024.1***

Although there are no known TCRs on the Project site, the potential to encounter TCRs during construction activities is still possible. For archaeological resources of Native American origin, past, present, and reasonably foreseeable cumulative projects may require extensive excavation in culturally sensitive areas and, thus, may result in adverse effects to known or previously unknown, inadvertently discovered archaeological resources of Native American origin. Because all TCRs are unique and nonrenewable resources, projects that cause a substantial adverse change in the significance of a TCR have the potential to erode a general tribal cultural landscape to which the resources belong. Therefore, if an impact to an unknown TCR occurs due to implementation of the Project, a cumulative significant effect on TCRs could result when combined with other cumulative development in the area.

Any inadvertent discoveries associated with the Project would be protected to the extent required by law and as outlined in MM-CUL-1 and MM-TCR-1 through MM-TCR-3. Upon implementation of these measures, the Project would not have a significant impact on any resources that may be inadvertently discovered during construction. The cumulative projects that would occur in accordance with the City's General Plan growth and buildout, as applicable, are all subject to PRC 21083.2 and other the regulatory requirements that mandate evaluation and consideration of potential impacts to TCRs prior to approval of any discretionary permit for site development. Other individual projects occurring in the vicinity of the Project site would also be subject to the same requirements of CEQA as the proposed Project and any impacts to cultural or tribal cultural resources would be mitigated, as applicable. For these reasons, cumulative impacts would be considered less than significant with mitigation.

## 2.2.6.2 Mitigation Measures

### **MM-TCR-1 Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities.**

- A. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.
- B. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.
- C. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or “TCR”), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.
- D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.
- E. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe’s sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.

### **MM-TCR-2 Unanticipated Discovery of Human Remains and Associated Funerary Object.**

- A. 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 Public Resources Code Section 5097.98, are also to be treated according to this statute.

- B. If Native American human remains and/or grave goods discovered or recognized on the project site, then all construction activities shall immediately cease. Health and Safety Code Section 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and all ground-disturbing activities shall immediately halt and shall remain 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 they are Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.
- C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).
- D. Construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or burial goods, if the Kizh determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Kizh monitor and/or archaeologist deems necessary). (CEQA Guidelines Section 15064.5(f).)
- E. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. Any historic archaeological material that is not Native American in origin (non-TCR) 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, it shall be offered to a local school or historical society in the area for educational purposes.
- F. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

**MM-TCR-3 Procedures for Burials and Funerary Remains.**

If it is determined, through compliance with Public Resources Code section 5097.98 and other applicable regulatory requirements that the Gabrieleño Band of Mission Indians - Kizh Nation is the Most Likely Descendant (MLD), the following shall be implemented:

- A. As the MLD, the Koo-nas-gna Burial Policy 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 preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains.
- B. If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.
- C. The prepared soil and cremation soils 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. Cremations will either be removed in bulk or by means as necessary to ensure complete recovery of all sacred materials.

- D. 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.
- E. In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects.
- F. 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.
- G. The Tribe will work closely with the project’s qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does not authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

**MM-CUL-1** See Section 2.2.1, Cultural Resources, of these Findings.

### 2.2.6.3 Findings per CEQA Guidelines

Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts were developed for the potentially significant impacts described in Section 2.2.6.1. These feasible measures, MM-TCR-1, MM-TCR-2, and MM-TCR-3, as well as MM-CUL-1, are listed in Section 2.2.6.2.

The City finds that these mitigation measures are feasible, are adopted, and will reduce the potential tribal cultural resource impacts of the Project to less than significant levels. Accordingly, the City finds that, pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in or incorporated into the Project that will mitigate or avoid potentially significant impacts on tribal cultural resources.

## 2.2.6.4 Facts in Support of the Findings Related to Tribal Cultural Resources

The implementation of MM-TCR-1, MM-TCR-2, and MM-TCR-3, as well as MM-CUL-1, would reduce potential impacts to tribal resources to less-than-significant levels. There would be no significant, unavoidable impacts related to tribal cultural resources after implementation of these mitigation measures.

## 2.2.7 Utilities and Service Systems

### 2.2.7.1 Potentially Significant Impacts to Utilities and Service Systems

#### **Require or Result in the Relocation or Construction of New or Expanded Water, Wastewater Treatment, Stormwater Drainage, Electric Power, Natural Gas, or Telecommunications Facilities**

##### ***Wastewater Conveyance and Treatment***

A Sewer Area Study was conducted for the proposed Project. The anticipated net increase in wastewater flows for the Project would be 50,938 GPD, which considers the existing sewer generation of 9,012 GPD from The Derby Restaurant subtracted from the proposed Project's sewer generation of 59,950 GPD. These additional flows are anticipated to increase the monitored sewer flows within one sewer pipeline segment beyond the City's capacity limit of 50 percent capacity. There would be an increase in the flow depth between Manholes 609-45 and 609-53 located on the sewer pipeline segment beneath Fifth Avenue (north of Duarte Road) from 37.5 percent full to 53.8 percent full. Therefore, a portion of the sewer pipeline must be replaced and increased from the existing 8-inch diameter to a larger 10-inch diameter pipeline. As a result, the proposed Project would result in the construction of new sewer infrastructure and mitigation is required.

MM-UTL-1 is required to ensure the timely replacement of a portion of the off-site sewer pipeline. As required, the Project Applicant must make a fair-share contribution to the City's costs to upgrade the sewer, which will be accomplished by the end of the City's 2024-25 fiscal year. The sewer improvement would be completed and operational by the time the proposed Project begins to occupy the available residential units, which is anticipated to be November 2025. The construction of the sewer infrastructure would be accomplished by the City and the impacts of the construction would be assessed under the City's environmental documentation pursuant to the California Environmental Quality Act (CEQA). The City, as lead agency for the proposed Project as well as the off-site sewer infrastructure improvement, has the authority to ensure the approval, construction, operation, and maintenance of the sewer infrastructure required for the proposed Project. In addition, the Districts are empowered by the California Health and Safety Code to charge a fee to connect facilities (directly or indirectly) to the Districts' Sewerage System or to increase the strength or quantity of wastewater discharged from connected facilities. This connection fee is used by the Districts for its capital facilities. Payment of a connection fee may be required before this Project is permitted to discharge to the Districts' Sewerage System. With incorporation of MM-UTL-1, and payment of all applicable fees, potential impacts related to the construction of new sewer facilities would be less than significant (Draft EIR, p. 4.15-21).

##### **Cumulative Effects**

The proposed Project would generate sewer flow that would exceed the capacity of a segment of the sewer lines under Fifth Avenue, and mitigation is required accordingly. MM-UTL-1 would require fair share payment of the costs of upgrading this sewer line. It is anticipated that future development that would contribute sewer flows to this

sewer line would also benefit from the City's upsizing of the existing 8-inch line to a larger 10-inch diameter line. As such, with mitigation, the Project would reduce potential project-specific as well as cumulative impacts to a level less than significant. Therefore, the Project's incremental contribution to impacts related to sewer infrastructure would not be cumulatively considerable with incorporation of MM-UTL-1.

### 2.2.7.2 Mitigation Measures

**MM-UTL-1 Sewer Upgrade Fair Share Payment.** Prior to issuance of a Certificate of Occupancy permit for the Project, the Applicant/Property Owner shall make a fair share contribution of 9 percent of the Fifth Avenue sewer upgrade project cost, not to exceed \$108,000, to the City to help fund upgrading of the sewer line in Fifth Avenue. The Fifth Avenue Sewer Upgrade Project will be included in the City's 2024-25 Capital Improvement Plan budget and the work will be completed by the City's Public Works Department by the end of the 2024-25 Fiscal Year. This measure shall be implemented to the satisfaction of the City Engineer and/or the City Public Works Services Department as appropriate.

### 2.2.7.3 Findings per CEQA Guidelines

Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts were developed for the potentially significant impacts described in Section 2.2.7.1. This feasible measure, MM-UTL-1, is listed in Section 2.2.7.2.

The City finds that this mitigation measure is feasible, is adopted, and will reduce the potential impacts related to utilities and service systems to less than significant levels. Accordingly, the City finds that, pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in or incorporated into the Project that will mitigate or avoid potentially significant impacts related to utilities and service systems.

### 2.2.6.4 Facts in Support of the Findings Related to Utilities and Service Systems

The implementation of MM-UTL-1 would reduce potential impacts related to utilities and service systems to a less-than-significant level. There would be no significant, unavoidable impacts related to utilities and service systems after implementation of this mitigation measure.

## 2.3 Impacts Determined to Be Less Than Significant

Based on the analysis contained in the EIR, the following issue areas have been determined to fall within the "less-than-significant impact" category for all thresholds: Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services and Recreation, Transportation, Utilities and Service Systems, and Wildfire.

Other impacts for Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, Transportation, and Tribal Cultural Resources not addressed below, are addressed in Section 2.2.

### 2.3.1 Aesthetics

Public Resources Code Section 21099(d)(1) sets forth new guidelines for evaluating project impacts under CEQA, as follows: “Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within transportation priority area (TPA) shall not be considered significant impacts on the environment.” PRC Section 21099 defines a “transit priority area” as an area within 0.5-mile of a major transit stop that is “existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations.” PRC Section 21064.3 defines “major transit stop” as “a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.” PRC Section 21099 defines an “infill site” as a lot located within an urban area that has been previously developed, or on a vacant site where at least 75% of the perimeter of the site adjoins or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses.

The Project is a mixed-use development and PRC Section 21099 applies to the Project. Specifically, the property is a previously developed “infill” site located approximately 0.3-mile from the Metro A Line Station which meets the definition of a “major transit stop” established under PRC Section 21099. Therefore, the Project’s aesthetic effects cannot be considered a significant impact. The analysis presented in these Findings is for informational purposes only and not for determining whether the Project would result in a significant impact on the environment (Draft EIR, p. 4.1-10).

#### **Finding**

The City finds that, based upon substantial evidence in the record, the Project would have a less than significant impact on aesthetics as it relates to scenic vistas, scenic resource damage within a state scenic highway, regulations governing scenic quality, lighting and glare, and cumulative aesthetic impacts; therefore, no mitigation is required and no significant, unavoidable adverse impacts would occur.

### 2.4.2 Agriculture and Forestry Resources

The Project site is located in an urban area on a site that is fully developed with buildings and asphalt paving and is entirely within the Commercial (0.5 FAR) zone (“Commercial (0.5 FAR)” General Plan land use designation), with adjacent Commercial (0.5 FAR) zone parcels. There are no existing agriculture or forestry activities on the site. No readily available opportunities for agricultural or forestry operations exist on site or in the surrounding area. According to the California Department of Conservation’s California Important Farmland Finder, most of Los Angeles County, including the City, is not mapped as part of the state’s Farmland Mapping and Monitoring Program; thus, the Project site does not contain Prime Farmland, Unique Farmland, or Farmland of State Importance (collectively “Important Farmland”) (DOC 2022a), nor does it contain any parcels under a Williamson Act contract (DOC 2022b). Additionally, the Project site nor the surrounding area contain forestland or timberland. Therefore, impacts associated with agricultural and forestry resources would not occur (Draft EIR, p. 5-10).

#### **Finding**

Appendix A of the Notice of Preparation for the Project found no potential for significant impacts to agriculture and forestry resources; therefore, agriculture and forestry resources was not addressed in the Draft EIR. No mitigation would be required and no significant, unavoidable adverse impacts would occur.

### 2.4.3 Air Quality

#### **Conflict with or Obstruct Implementation of the Applicable Air Quality Plan**

The most recent adopted Air Quality Management Plan (AQMP) is the 2022 AQMP The Southern California Air Quality Management District (SCAQMD) has established criteria for determining consistency with the currently applicable AQMP in Chapter 12, Sections 12.2 and 12.3, in the SCAQMD CEQA Air Quality Handbook (Draft EIR, pp. 4.2-26 and 4.2-27).

#### ***Consistency Criterion No. 1***

The Project would not result in construction or operational criteria air pollutant emissions that would exceed the SCAQMD mass daily thresholds. Because it would not exceed the SCAQMD criteria air pollutant mass thresholds, the Project would not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, and thus, the Project would not conflict with Consistency Criterion No. 1 of the SCAQMD CEQA Air Quality Handbook (SCAQMD 1993) (Draft EIR, p. 4.2-27).

#### ***Consistency Criterion No. 2***

The second criterion regarding the Project's potential to exceed the assumptions in the AQMP is primarily assessed by determining consistency between the Project's land use designations and potential to generate population growth. In general, a project would be consistent with, and would not conflict with or obstruct implementation of, the AQMP if the growth in socioeconomic factors is consistent with the underlying regional plans used to develop the AQMP (per Consistency Criterion No. 2 of the SCAQMD CEQA Air Quality Handbook). The SCAQMD primarily uses demographic growth forecasts for various socioeconomic categories (e.g., population, housing, employment by industry) developed by SCAG for its RTP/SCS (SCAG 2020a). SCAG bases its growth forecasts on general plans for cities and counties in the SCAB. The SCAQMD uses these growth forecasts for the development of the AQMP emissions inventory (SCAQMD 2022).<sup>1</sup> SCAG's 2020–2045 RTP/SCS RTP/SCS, and associated Regional Growth Forecast, are generally consistent with the local plans; therefore, the 2022 AQMP is generally consistent with local government plans.

Because the Project's proposed land use designation is not consistent with the current City's General Plan land use designation, the Project may result in population (residents and employees) not anticipated in the SCAG 2020-2045 RTP/SCS, and therefore, the 2022 SCAQMD AQMP. Accordingly, an evaluation of the Project's anticipated population in comparison to the population and employment projections for the City is warranted.

The proposed Project's residential units would accommodate up to 608 residents. Additionally, the Project is estimated to result in a net addition of 34 employees as compared to existing conditions. The Final SCAG 2020-2045 RTP/SCS provides population estimates for the years 2016 and 2045 (SCAG 2020b). SCAG estimated there were 57,300 residents in the City in 2016 and 62,200 residents by 2045 (SCAG 2020b), for a delta growth of 4,900 residents between 2016 and 2045. Current estimates place the population at 56,364, which is below the

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<sup>1</sup> Information necessary to produce the emission inventory for the SCAB is obtained from the SCAQMD and other governmental agencies, including the California Air Resources Board (CARB), the California Department of Transportation, and SCAG. Each of these agencies is responsible for collecting data (e.g., industry growth factors, socioeconomic projections, travel activity levels, emission factors, emission speciation profile, and emissions) and developing methodologies (e.g., model and demographic forecast improvements) required to generate a comprehensive emissions inventory. SCAG incorporates these data into its Travel Demand Model for estimating/projecting vehicle miles traveled and driving speeds. SCAG's socioeconomic and transportation activities projections in their 2016 RTP/SCS are integrated in the 2016 AQMP (SCAQMD 2017).



population of 57,300 residents in 2016, as detailed by the SCAG 2020-2045 RTP/SCS (U.S. Census Bureau 2021, SCAG 2022b). Currently, the City's housing stock and residential population is below the predicted housing and population. Since 2010, the City has added a total of 413 new residential units, which is below the City's estimate for new housing (Graham 2022). The Project would be operational in 2025. Assuming linear growth from 2016 to 2045 of the SCAG's growth projections, there would be an increase of 1,521 residents by 2025, for a total projection 58,821 residents in the City. However, as the City's current housing and residential population is below SCAG's predicted housing and, the Project's addition of 608 residents would not exceed the SCAG's population estimate of 58,821 residents in 2025. Therefore, the Project would not exceed the SCAG's population growth projections for 2025.

Similarly, the Final SCAG 2020-2045 RTP/SCS provides employment estimates for the years 2016 and 2045 (SCAG 2022b). SCAG estimated 32,600 employees in 2016 and 36,100 employees in 2045 (SCAG 2020b). Assuming linear growth from 2016 to 2045 of the SCAG's growth projections, there would be an increase of 1,569 employees by 2025, for a total projection 34,169 employees in the City in 2025. The Project would employ 34 persons in 2025 when compared to existing conditions. This represents approximately 2.2% of the employment projections in the City by 2025. The Project's designated employment does not exceed the annual growth projections for the City based on SCAG's employment growth projections for 2025. As demonstrated, the Project would not exceed the SCAG's population and employment growth projections in the City, and therefore, the Project would not conflict with Criterion 2 SCAQMD CEQA Air Quality Handbook.

As the Project would not conflict with Criterion No. 1 and No. 2 of the 2022 AQMP, there would be a less-than-significant impact with regard to potential to conflict with an applicable AQMP (Draft EIR, pp. 4.2-27 and 4.2-28).

### **Cumulatively Considerable Net Increase of Criteria Pollutants**

Air pollution is largely a cumulative impact. The nonattainment status of regional pollutants is a result of past and present development, and the SCAQMD develops and implements plans for future attainment of ambient air quality standards. Based on these considerations, project-level thresholds of significance for criteria pollutants are used to help determine whether a project's individual emissions would have a cumulatively considerable contribution on air quality. If a project's emissions would exceed the SCAQMD significance thresholds, it would be considered to have a cumulatively considerable contribution. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (SCAQMD 2003) (Draft EIR, p. 4.2-28).

### ***Construction Emissions***

Daily construction emissions would not exceed the SCAQMD significance thresholds for VOC, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, or PM<sub>2.5</sub> during construction in all construction years. Construction-generated emissions would be temporary and would not represent a long-term source of criteria air pollutant emissions (Draft EIR, pp. 4.2-28 through 4.2-30).

### ***Operational Emissions***

The Project's net increase in emissions would not exceed the SCAQMD operational thresholds for VOC, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. Air pollutant emissions associated with construction activity of future projects would be reduced through implementation of control measures required by the SCAQMD. Cumulative PM<sub>10</sub> and PM<sub>2.5</sub> emissions would be reduced because all future projects would be subject to SCAQMD Rule 403 (Fugitive Dust), which sets forth general and specific requirements for all construction sites in the SCAQMD. The maximum daily PM<sub>10</sub> and PM<sub>2.5</sub> emissions would not exceed the significance thresholds during Project construction activities.

With regard to operational cumulative impacts associated with nonattainment pollutants, in general, if a project is consistent with the community and/or general plans, it has been accounted for in the attainment demonstration contained within the state implementation plan and would therefore not cause a cumulatively significant impact on the ambient air quality. The Project would be consistent with the growth projections anticipated in SCAQMD's 2022 AQMP. Accordingly, the Project would not result in a cumulatively considerable contribution to the nonattainment pollutants in the SCAB. Based on the preceding considerations, the Project would not result in a cumulatively considerable increase in emissions of nonattainment pollutants, and impacts would be less than significant during construction and operation (Draft EIR, pp. 4.2-30 and 4.2-31).

### **Expose Sensitive Receptors to Substantial Pollutant Concentrations**

#### ***Localized Significance Threshold***

For the Localized Significance Threshold (LST) CO and NO<sub>2</sub> exposure analyses, receptors who could be exposed for one hour or more are considered. For the LST PM<sub>10</sub> and PM<sub>2.5</sub> exposure analyses, receptors who could be exposed for 24 hours are considered. As the Project site is proximate to two hotels adjacent to the Project's northern boundary (and hotel guests could be exposed for 24 hours), the threshold for 25-meters (approximately 82 feet) is used for this analysis. Construction activities would not generate emissions in excess of site-specific LSTs; therefore, site-specific impacts during construction of the Project would be less than significant (Draft EIR, pp. 4.2-32 and 4.2-33).

#### ***Carbon Monoxide Hotspots***

CO concentrations at congested intersections would not exceed the 1-hour or 8-hour CO CAAQS unless projected daily traffic would be at least over 100,000 vehicles per day. As detailed in Section 4.10, Noise, of the Draft EIR, the maximum average daily trips (ADTs) at a studied intersection, with inclusion of the Project, would be 34,739 ADTs at the intersection of E. Huntington Drive and North 2<sup>nd</sup> Avenue. As the Project would not increase daily traffic volumes at any study intersection to more than 100,000 vehicles per day, a CO hotspot is not anticipated to occur, and associated impacts would be less than significant. In addition, due to continued improvement in vehicular emissions at a rate faster than the rate of vehicle growth and/or congestion, the potential for CO hotspots in the SCAB is steadily decreasing. Based on these considerations, the Project would result in a less-than-significant impact to air quality with regard to potential CO hotspots (Draft EIR, p. 4.2-33 and 4.2-34).

#### ***Toxic Air Contaminants***

Project construction activities would result in a Residential Maximum Individual Cancer Risk of 3.9 in 1 million, which is less than the significance threshold of 10 in 1 million. Project construction would result in a Residential Chronic Hazard Index of 0.003, which is below the 1.0 significance threshold. Impacts would be less than significant (Draft EIR, p. 4.2-34).

#### ***Health Impacts of Other Criteria Air Pollutants***

Although construction of future development allowed for under the Project may generate NO<sub>x</sub> emissions, it is not anticipated to contribute to exceedances of the NAAQS and CAAQS for NO<sub>2</sub> because the SCAB is designated as in attainment of the NAAQS and CAAQS for NO<sub>2</sub> and the existing NO<sub>2</sub> concentrations in the area are well below the NAAQS and CAAQS standards. As noted above, the Project would not exceed the applicable SCAQMD NO<sub>x</sub> thresholds during construction and operation.

CO tends to be a localized impact associated with congested intersections. The associated potential for CO hotspots is discussed above and is determined to be a less-than-significant impact. Thus, the Project's CO emissions would not contribute to significant health effects associated with this pollutant.

Because the Project would not exceed the SCAQMD significance thresholds during construction and operation, the potential health effects associated with criteria air pollutants are considered less than significant. Therefore, the Project does not have the potential to violate an air quality standard or contribute substantially to an existing or projected air quality violation and the health effects associated with criteria air pollutants would be considered less than significant (Draft EIR, pp. 4.2-34 through 4.2-37).

### **Other Emissions**

Based on available information, the Project is not anticipated to result in other emissions (Draft EIR, p. 4.2-27).

### ***Construction Impacts***

Odors would be potentially generated from vehicles and equipment exhaust emissions during construction of the Project. Such odors would disperse rapidly from the Project site and generally occur at magnitudes that would not affect substantial numbers of people. In addition, Project construction and operation would be required to comply with SCAQMD Rule 402, Nuisance, which prohibits the discharge of air pollutants from a facility that could cause injury, detriment, nuisance, or annoyance to the public or damage business or property. Therefore, impacts associated with odors during construction would be less than significant (Draft EIR, p. 4.2-38).

### ***Operational Impacts***

The Project does not propose odor-generating land uses during the operational phase of the Project. The residences and restaurant/café uses may emit odors outside during cooking. These would be limited to the areas adjacent to the source and would not impact substantial numbers of people. These odors would also be short term in nature and would disperse rapidly. Furthermore, as stated above, the Project would comply with SCAQMD Rule 402, Nuisance, which prohibits the release of odors which may cause annoyance to a considerable number of persons, as well as other SCAQMD rules related to odor generation from restaurant activities. Therefore, the potential for the Project to generate an odor impact is considered less than significant (Draft EIR, p. 4.2-38).

### **Finding**

The City finds that, based upon substantial evidence in the record, the Project would have a less than significant impact on air quality as it relates to applicable air quality plans, criteria pollutants, sensitive receptors, and other emissions; therefore, no mitigation is required and no significant, unavoidable adverse impacts would occur.

## 2.3.4 Biological Resources

### **Special-Status Species**

A qualified Dudek Senior Biologist conducted electronic searches of California Department of Fish and Wildlife (CDFW), the California Native Plant Society (CNPS), and the U.S. Fish and Wildlife Services (USFWS) databases. The Project is not located within any designated critical habitat (USFWS 2021). No natural vegetation communities, soils, or hydrology occur on the Project site, so no special-status plant or wildlife species are expected on the Project and no impact would occur (Draft EIR, p. 5-10).

### **Riparian Habitat/Sensitive Natural Communities**

The Project site is developed with paved surfaces and buildings, with no native or naturalized vegetation communities present. No riparian or wetland features are present to support riparian habitat (USFWS 2022b). No impacts would occur (Draft EIR, p. 5-11).

### **Wetlands**

No wetlands or other jurisdiction waters are within the Project site (USFWS 2022b). Water from rainfall flows across the impervious surfaces found on the Project site and enter the municipal stormwater system. No impacts would occur (Draft EIR, p. 5-11).

### **Wildlife Movement/Use of Nursery Sites**

There are no on-site drainages or ponds that may serve as habitat for fish species. The Project site is developed and surrounded by developed area, and it does not reside within any designated wildlife corridors and/or habitat linkages identified in the South Coast Missing Linkages analysis project or California Essential Habitat Connectivity project, so the Project would not affect the movement of any native resident or land-based wildlife species, nor would it affect established native resident or migratory wildlife corridors. Ornamental vegetation located on the Project site could provide suitable nesting habitat for some urban-adapted bird species. All development activities are subject to the requirement to protect nesting birds, in compliance with the Migratory Bird Treaty Act and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code, which prohibits the accidental or “incidental” taking or killing of migratory birds. The Project would be required to comply with the Migratory Bird Treaty Act and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code by preventing the disturbance of nesting birds during Project construction activities. No impacts would occur (Draft EIR, p. 5-11).

### **Conflict with Biological Resources Protection Policies and Ordinances**

Any development activities associated with implementation of the Project would be required to comply with all applicable requirements set forth by the City, including adherence to tree preservation and maintenance requirements. The Project site area includes 66 on-site trees, as well as seven (7) off-site street-trees adjacent to the Project’s southern boundary line. Sixty-four (64) on-site trees would be removed and two (2) would be encroached upon as a result of Project implementation. None of the on-site trees are protected. In addition, one (1) off-site City owned street located on Huntington Drive would be removed and, and six (6) City owned trees within the public right-of-way along Huntington Drive would be encroached upon. According to Division 10, Section 9110.01, Tree Preservation, of the City’s Development Code, a permit is required prior to removal of any protected tree, as well as prior to any encroachment into the protected zone of any protected tree. Due to the required adherence to City regulations, impacts associated with biological resources protection policies and ordinances would be less than significant and would not require further evaluation in the Draft EIR (Draft EIR, pp. 5-11 and 5-12).

### **Conflict with Habitat Conservation Plan/Natural Community Conservation Plan**

The Project site is located in a highly urbanized area, and there is no adopted Habitat Conservation Plan or Natural Community Conservation Plan for the site or the surrounding area. No conflict with a Habitat Conservation Plan or Natural Community Conservation Plan would occur with the Project (Draft EIR, p. 5-12).

## Finding

Appendix A of the Notice of Preparation for the Project found no potential for significant impacts to biological resources; therefore, biological resources were not addressed in the Draft EIR. No mitigation would be required, and no significant, unavoidable adverse impacts would occur.

## 2.4.5 Cultural Resources

### Historical Resources

In order to determine if the Project would impact historical resources under CEQA, all buildings or structures over 45 years in age within or immediately adjacent to the Project site were evaluated for historical significance and integrity in consideration of the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), and the City of Arcadia designation criteria and integrity requirements (see Appendix D-2 of the Draft EIR). One property within the Project site is over the age of 50 and required inventory and evaluation consideration under CEQA; The Derby Restaurant, located at 223 E. Huntington Drive. The other property on the site, 301 E. Huntington Drive, includes a building constructed in 1988. Because this building is not 45 years or older it does not require further consideration under CEQA. The following discussion provides a detailed significance evaluation of the Derby Restaurant.

***Criterion A/1/1: That are associated with events that have made a significant contribution to the broad patterns of our history.***

The Derby Restaurant has associations with a pattern of events that have made contributions to the development of the horseracing community under NRHP Criterion A, CRHR Criterion 1, and City of Arcadia Historic Landmark Criterion 1. The period of significance for the subject property is 1931 to 1951; spanning the year the restaurant was first established at its location, to the date that the property was no longer operated by the Woolf family. This is the period in which the restaurant grew in popularity, became a well-known establishment, and solidified its link to the horse racing community. The property's ability to convey significance under this Criterion is addressed below after Criterion D/4/4 under "Integrity Discussion."

***Criterion B/2/2: That are associated with the lives of persons significant in our past.***

Famed horseracing jockey George Woolf briefly owned the restaurant from December of 1938 until his death in 1946. While George Woolf is historically significant as a horse racing jockey, the connection to the work he is known for, horseracing, is shown through the memorabilia that remains inside the restaurant. However, The Derby Restaurant is not where he performed the work for which he is known (i.e., horse racing). Woolf is famous for his career as a jockey and his productive years are most closely associated with the Santa Anita racetrack where he famously raced. The racing facility serves as a more intact representative example of his career than The Derby Restaurant that he briefly owned. Lacking a direct association with an individual's important achievements for which they are known, The Derby Restaurant is not eligible under NRHP Criterion B, CRHR Criterion 2, or City of Arcadia Historic Landmark Criterion 2.

***Criterion C/3/3: That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.***

Hudson M. Proctor constructed the building that would house The Derby Restaurant in 1931 in the Spanish Colonial Revival style. He was reported in a few articles to have experience in construction, and he did not hire a contractor or architect to design the building. Owners Dominic and Lorene Sturniolo completely remodeled the restaurant in 1951 with additions to the primary and west elevations that removed all former Spanish Colonial Revival elements in addition to removing original freestanding signage and removing the large oak tree that once fronted the building. Beyond the upstairs office, no elements of the 1931 era building remain. Since the late 1990s, the restaurant has experienced large additions to the west elevation, removal of original exterior brick, and the addition of new exterior chimneys. Due to numerous alterations, the building no longer possesses any character-defining features of the 1930s Spanish Colonial Revival style. Although the building as it currently stands features Ranch and neo-Craftsman elements, it no longer possesses a discernable architectural style. In addition, the restaurant no longer exhibits the architectural and site-planning elements of its original 1930s-era café-restaurant type due to alterations. Lacking architectural distinction, or any known connection with the work of a master architect, The Derby Restaurant is not eligible under NRHP Criterion C, CRHR Criterion 3, or City of Arcadia Historic Landmark Criterion 3.

***Criterion D/4/4: That have yielded, or may be likely to yield, information important in prehistory or history.***

The Derby Restaurant is not significant under Criterion D of the NRHP, Criterion 4 of the CRHR, or City of Arcadia Historic Landmark Criterion 4 as a source, or likely source, of important historical information nor does it appear likely to yield important information about historic construction methods, materials or technologies.

### ***Integrity Discussion***

To be eligible for listing in the NRHP, CRHR, or as a landmark in the City of Arcadia, properties must have a clear association under one or more Criterion and retain historic integrity to the period of significance established under the Criterion for which it has an association.

Despite a clear association under Criterion A/1/1, alterations to the property since 1951 have modified the property to extent that it appears to be a building constructed in the latter half of the twentieth century rather than a building from the 1931 to 1951 period (i.e., the period when the building was originally constructed and gained prominence as a restaurant associated with the horseracing community through Woolf). Despite the connection to Woolf that remains through his horseracing memorabilia collection featured in the interior, the interior space has been altered since 1951 to the extent that even with elements of the collection exhibited the connection to the period of significance has been lost. Additionally, no exterior elements of the restaurant remain from the historic era establishment that Woolf would recognize. The original Spanish Colonial Design of the building has been completely altered, original signage removed, and large oak tree fronting the building has also been removed. The building is now surrounded by paved parking lots and more recent commercial building construction. These changes have resulted in destroying the connection to the period when the restaurant became “The Derby” (i.e., 1931 to 1951; the period of significance for the subject property). In summary, the loss of integrity in the areas of design, materials, workmanship, setting and feeling, has caused the property to no longer be capable of conveying an association to the period of significance (1931 to 1951) when it was first developed and the connection for which it is known.

Despite The Derby Restaurant's association under NRHP Criterion A, CRHR Criterion 1, or City of Arcadia Historic Landmark Criterion 1, the substantial loss of historic integrity to its period of significance precludes the property from being considered eligible for listing.

***Additional City of Arcadia Criteria Considerations***

For a resource to be found significant as a City of Arcadia historic landmark, in addition to meeting City of Arcadia Criterion 1 through 4, it must be listed in the NRHP or CRHR (Criteria 5) or considered an iconic property (Criteria 6). The Derby Restaurant, as stated above, does not meet Criteria 1 due to a lack of historic integrity to its period of significance and the property does not meet Criterion 2 through 4 due to a lack of significance. As such the property is not eligible for listing as a City of Arcadia historic landmark.

***Summary of Findings***

The property is not considered a historical resource for the purposes of CEQA. Further, no potential indirect impacts to historical resources were identified. Removal of this building would not cause a substantial adverse change in the significance of a historical resource, or otherwise result in a direct impact to a historical resource. No other adjacent resources were identified as historical resources as a result of the records search or survey that could be indirectly impacted by the Project. Therefore, the Project would have a less-than- significant impact on historical resources. No mitigation is required (Draft EIR, pp. 4.3-18 through 4.3-21).

***Disturbance of Human Remains***

No prehistoric or historic burials were identified within the Project site as a result of the CHRIS records search. Procedures of conduct following the discovery of human remains are mandated by California Health and Safety Code §7050.5, PRC §5097.98 and the California Code of Regulations (CCR) §15064.5(e). Compliance with these existing regulations would ensure that impacts to human remains resulting from the Project would be less than significant. No mitigation is required (Draft EIR 4.3-22).

***Cumulative Effects***

***Historical Resources***

The Derby Restaurant (i.e., the property located within the Project site at 233 E. Huntington Drive), is not eligible for NRHP, CRHR, or City designation due to a lack of significant historical associations, architectural merit, and physical integrity. Therefore, the property is not considered a historical resource for the purposes of CEQA. Further, no potential indirect impacts to historical resources were identified. Given this, the Project would not cumulatively contribute to a substantial adverse change in the significance of a historical resource, or otherwise result in a direct impact to a historical resource. No other adjacent resources were identified as a result of the records search or survey that could be indirectly impacted by the Project. Therefore, the Project would have a less- than-significant cumulative impact on historical resources (Draft EIR, p. 4.3-23).

***Human Remains***

The Project was determined to have less-than-significant direct impacts on human remains. Existing regulations are adequate to address the potential for impacts due to the inadvertent discovery of human remains on the Project site. Other individual projects occurring in the vicinity of the Project site would also be subject to the same state requirements to contact appropriate agencies and coordinate with the County Coroner. Therefore, the Project's

incremental contribution to cumulative impacts would not be considerable resulting in a less-than-significant cumulative impact (Draft EIR p. 4.3-24).

**Finding**

The City finds that, based upon substantial evidence in the record, the Project would have a less than significant impact on cultural resources as it relates to historical resources and disturbance of human remains, therefore, no mitigation is required and no significant, unavoidable adverse impacts would occur.

2.3.6 Energy

**Wasteful, Inefficient, or Unnecessary Consumption of Energy**

*Electricity*

Construction

There is nothing unusual about construction of the Project that would result in a wasteful, inefficient, and unnecessary use of electrical energy. The electricity used for construction activities would be temporary and would have a negligible contribution to the Project’s overall energy consumption. Impacts to electricity during construction would be less than significant, and no mitigation is required (Draft EIR, pp. 4.4-12 and 4.4-13).

Operations

The Project’s electrical consumption would be a small percentage (0.003%) of the County’s current annual use. SCE forecasts that its total energy consumption in 2025 (the Project buildout year) will be approximately 116,647 gigawatt hours of electricity (CEC 2022). Based on the Project’s estimated net electrical consumption of 1,582,100 kWh/year, the Project’s increase in electricity would account for approximately 0.0014% of SCE’s total projected consumption during 2025 for the Project’s buildout year.<sup>2</sup> In addition, the Project would be built in accordance with the current Building Energy Efficiency Standards (Title 24) at the time of construction, which include robust requirements for energy efficiency. Also, the provisions of the CALGreen code apply to the planning, design, operation, construction, use and occupancy of every newly constructed building or structure. In mixed occupancy buildings, such as the Project, each portion of a building must comply with the specific green building measures applicable to each specific occupancy. Therefore, due to the inherent increase in efficiency of building code regulations, the Project would not result in a wasteful, inefficient, or unnecessary use of energy. Impacts related to operational electricity use would be less than significant (Draft EIR, pp. 4.4-13 and 4.4-14).

*Natural Gas*

Construction

Natural gas is not anticipated to be required during construction of the Project. Any minor amounts of natural gas that may be consumed as a result of Project construction would be substantially less than that required for Project’s operation and would have a negligible contribution to the Project’s overall energy consumption (Draft EIR, p. 4.4-14).

Operations

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<sup>2</sup> Project’s consumption (2.576 gigawatt hours) divided by SCE’s projected consumption (116,647 gigawatt hours).



The Project would consume approximately 3,591,503 net kBtu per year. The Project's estimated net increase in natural gas consumption of 3,591,503 kBtu (or 35,923 therms) per year would be a small percentage (0.0012%) of SoCalGas' annual supply to County customers. In addition, the Project is subject to statewide mandatory energy requirements as outlined in Title 24, Part 6, of the California Code of Regulations. Title 24, Part 11, contains energy measures that are applicable to the Project. The Project would be required to meet Title 24 requirements applicable at that time, as required by state regulations through the plan review process. Therefore, due to the inherent increase in efficiency of building code regulations, the Project would not result in a wasteful, inefficient, or unnecessary use of natural gas. Impacts related to operational natural gas use would be less than significant (Draft EIR, pp. 4.4-14 and 4.4-15).

***Petroleum***

**Construction**

Construction associated with the Project over the construction period is conservatively anticipated to consume 91,363 gallons of diesel from off-road equipment, haul trucks, and vendor trucks, and 51,851 gallons of gasoline from worker vehicles. The Project would be subject to California Air Resources Board's (CARB's) In-Use Off-Road Diesel Vehicle Regulation. The regulation (1) imposes limits on idling, requires a written idling policy, and requires a disclosure when selling vehicles; (2) requires all vehicles to be reported to CARB (using the Diesel Off-Road Online Reporting System) and labeled; (3) restricts the adding of older vehicles into fleets starting on January 1, 2014; and (4) requires fleets to reduce their emissions by retiring, replacing, or repowering older engines or installing Verified Diesel Emission Control Strategies (i.e., exhaust retrofits). The fleet must either show that its fleet average index was less than or equal to the calculated fleet average target rate, or that the fleet has met the Best Achievable Control Technology requirements. Overall, the Project would not be unusual when compared to overall local and regional demand for energy resources and would not involve characteristics that require equipment that would be less energy-efficient than at comparable construction sites in the region or state. Therefore, impacts would be less than significant, and no mitigation is required (Draft EIR, pp. 4.4-15 and 4.4-16).

**Operations**

The fuel consumption resulting from the Project's operational phase would be attributable to various vehicles associated with each land use. Petroleum fuel consumption associated with motor vehicles traveling within the City during operation is a function of VMT. Trip generation rates for the Project and existing operational uses were based on the Traffic Impact Analysis (Appendix J-1 of the Draft EIR). Net mobile sources (including from landscaping equipment) from buildout of the Project would result in approximately 202,816 gallons of petroleum fuel usage per year. For disclosure, by comparison, California as a whole consumes approximately 22 billion barrels gallons of petroleum per year (EIA 2022d). Over the lifetime of the Project, the fuel efficiency of vehicles is expected to increase. As such, the amount of petroleum consumed as a result of vehicular trips to and from the Project site during operation would decrease over time. There are numerous regulations in place that require and encourage increased fuel efficiency. As such, operation of the Project is expected to use decreasing amounts of petroleum over time due to advances in vehicle fuel economy standards.

In summary, the Project would increase petroleum use during operation, but due to efficiency increases the amount of petroleum consumed would diminish over time. Petroleum consumption associated with the Project would not be considered inefficient or wasteful and would result in a less than significant impact (Draft EIR, pp. 4.4-16 and 4.4-17).

***Renewable Energy Potential***

As part of the Project's planning process, the City considered how the Project could potentially increase its reliance on renewable energy sources to meet the Project's anticipated energy demand. Given the Project's location and the infill nature of the Project, there are anticipated considerable site constraints at a parcel level including incompatibility with onsite and surrounding land uses for large scale power generation facilities, unknown interconnection feasibility, compatibility with utility provider systems, and no known water or geothermal resources to harness, that would eliminate the potential for biomass, geothermal, wind power, and hydroelectric renewable energy to be installed within the Project area. Regarding solar power, the future Project is anticipated to include solar power, which at a minimum, will be provided for newly built low-rise residential buildings, and non-residential buildings are anticipated to be solar-ready to comply with Title 24 building energy efficiency standards. The Project would use renewable energy onsite as determined to be feasible and would not result in wasteful, inefficient, or unnecessary consumption of energy resources, including electricity, natural gas, or petroleum during Project construction or operation, and impacts would be less than significant (Draft EIR, p. 4.4-17).

**Conflict or Obstruct Plan for Renewable Energy*****Construction***

Construction equipment would be required to comply with federal, state, and regional requirements where applicable. With respect to truck fleet operators, United States Environmental Protection Agency (USEPA) and National Highway Traffic Safety Administration (NHTSA) have adopted fuel-efficiency standards for medium- and heavy-duty trucks that will be phased in over time. In addition, construction equipment and trucks are required to comply with CARB regulations regarding heavy-duty truck idling limits of 5 minutes per occurrence. Off-road emissions standards would increase equipment efficiencies as they are phased-in over time and less-efficient equipment is phased out of construction fleets. These limitations would result in an increase in energy savings in the form of reduced fuel consumption from more fuel-efficient engines. Although these requirements are intended to reduce criteria pollutant emissions, compliance with the anti-idling and emissions regulations would also result in the efficient use of construction-related energy. Thus, based on the information above, construction and operation of the Project would comply with state or local plans for renewable energy or energy efficiency. Therefore, the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency regarding during Project construction, and impacts would be less than significant (Draft EIR, pp. 4.4-17 and 4.4-18).

***Operation***

The Project would comply with all applicable regulatory requirements including Title 24 of the California Code of Regulations contains energy efficiency standards for residential and nonresidential buildings based on a state mandate to reduce California's energy demand. Specifically, Title 24 addresses a number of energy efficiency measures that impact energy used for lighting, water heating, heating, and air conditioning, including the energy impact of the building envelope such as windows, doors, wall/floor/ceiling assemblies, and roofs. Part 6 of Title 24 specifically establishes energy efficiency standards for residential and nonresidential buildings constructed in the State of California in order to reduce energy demand and consumption. Part 11 of Title 24 also includes the CALGreen standards, which established mandatory minimum environmental performance standards for new construction projects. The Project would comply with Title 24, Part 6 and Part 11, per state regulations. Additionally, the Project would receive electricity from SCE, which has the mandate to comply with SB 1020. This policy requires that eligible renewable energy resources and zero-carbon resources supply 100% of the retail sales of electricity to California by 2045, with 90% by 2035, and 95% by 2040, and that the zero-carbon electricity resources do not increase the carbon

emissions elsewhere in the western grid and that the achievement not be achieved through resource shuffling. Thus, the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency; therefore, impacts during construction and operation of the Project would be less than significant (Draft EIR, p. 4.4-18).

### **Cumulative Effects**

#### ***Wasteful, Inefficient, or Unnecessary Consumption of Energy***

Cumulative projects would be required by Los Angeles County or City of Arcadia, as applicable, to conform to current federal, state, and local energy conservation standards, including the California Energy Code Building Energy Efficiency Standards (24 CCR Part 6), the CALGreen Code (24 CCR Part 11), and SB 743. Therefore, the energy demand and use associated with the Project and cumulative projects would not substantially contribute to a cumulative impact on existing or proposed energy supplies or resources and would not cause a significant cumulative impact on energy resources. As such, the Project's contribution to cumulative impacts related to wasteful, inefficient and unnecessary use of electricity would not be cumulatively considerable and, thus, would be less than significant.

#### ***Conflict or Obstruct Plan for Renewable Energy***

The Project would not conflict with applicable plans for renewable energy as it would be required to be solar-ready pursuant to Title 24. Further, other projects, including development throughout the state, would also be subject to the Title 24 standards in place at the time of construction. The Project's contribution to cumulative impacts related to renewable energy or energy efficiency would not be cumulatively considerable and, thus, would be less than significant.

### **Finding**

The City finds that, based upon substantial evidence in the record, the Project would have a less than significant impact on energy as it relates to consumption of energy, conflict or obstruction of a plan for renewable energy, and cumulative impacts to energy, therefore, no mitigation is required and no significant, unavoidable adverse impacts would occur.

## 2.3.7 Geology and Soils

### **Expose People or Structures to Fault Rupture**

The Project site is not within an Alquist-Priolo Earthquake Fault Zone and no known Holocene-active or potentially active faults pass directly beneath the site (CGS 2022a, 2022b). Because no faults traverse the site, the Project site would not be subject to rupture of a known earthquake fault. Furthermore, the Project site would not directly or indirectly cause or exacerbate existing fault rupture risks from the construction of new buildings and associated infrastructure on the Project site because no Project-related activities would occur within the Raymond Fault zone. Therefore, no impact related to surface rupture of a known earthquake fault would occur (Draft EIR, p. 4.5-12).

### **Expose People or Structures to Strong Seismic Ground Shaking**

The Project site is located in the seismically active Southern California region. The CBC provides procedures for earthquake-resistant structural design that includes considerations of on-site soil conditions, occupancy, and the configuration of the structure, including the structural system and height. Although conformance with CBC seismic

design requirements does not guarantee that significant structural damage or ground failure would not occur in the event of a large earthquake, the proposed structures would be designed to resist structural collapse and thereby provide reasonable protection from serious injury, catastrophic property damage, and loss of life. Standards provided in CBC Section 1803 require preparation of a geotechnical evaluation and that all recommendations set forth in a final site-specific design-level geotechnical report – which would be based on the Geotechnical Investigation that was prepared for the Project – be incorporated into all applicable phases of Project excavation, grading and construction. Therefore, upon compliance with the CBC and City policies aimed at minimizing geologic hazards, including CBC Section 1803, requiring the incorporation of recommendations set forth in the final design-level site-specific geotechnical investigation, the Project would not directly or indirectly be affected by substantial adverse effects involving strong seismic ground shaking, and impacts would be less than significant (Draft EIR, p. 4.5-13).

### **Expose People or Structures to Liquefaction**

According to the Geotechnical Investigation, the historical high groundwater levels for the general area have been interpreted at 150 feet below the ground surface in the vicinity of the Project site, and the potential for liquefaction to occur beneath the Project site is considered to be very low (Appendix E-1 of the Draft EIR). Furthermore, the Project site is not located within a mapped California Geologic Survey liquefaction hazard zone (Appendix E-1, CGS 2022). As such, seismic-related ground failure due to liquefaction would not be expected to occur on the Project site and impacts would be less than significant (Draft EIR, p. 4.5-14).

### **Expose People or Structures to Landslides**

The topography of the Project site and adjacent areas is relatively flat to gently sloping; therefore, the Project site is not susceptible to landslides. In addition, the Project site is not located within an earthquake-induced landslide zone, as designated by the CGS and the City. As such, implementation of the Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides (Appendix E-1). Impacts would be less than significant (Draft EIR, p. 4.5-14).

### **Soil Erosion or Loss of Topsoil**

#### ***Construction***

The Project site is not located in a hillside development area or agricultural zone that could be susceptible to loss of topsoil due to site development. The Project site is currently developed with buildings and paved, with only a negligible amount of soil exposed in areas of ornamental landscaping. Prior to the start of construction activities, the Contractor is required to file a Permit Registration Document with the SWRCB, in order to obtain coverage under the NPDES Construction General Permit. No grading permit would be issued unless the plans for such work include a SWPPP with details of BMPs, which include erosion control measures to minimize the transport of sediment and protect public and private property from the effects of erosion. The required SWPPP would establish site-specific erosion and sediment control BMPs for all construction activities. Although the Project would require excavation of soils related to construction of the subterranean parking structure and related to removal and re-compaction of collapsible soils, this would not result in a substantial loss of topsoil. Therefore, with compliance of the NPDES General Construction Permit, potential impacts associated with soil erosion and/or loss of topsoil would be less than significant (Draft EIR, pp. 4.5-14 and 4.5-15).

***Operations***

Long-term operation of the Project would not result in substantial soil erosion or loss of topsoil as the majority of the Project site would be covered by structures and paving, while the remaining portions of the site would contain irrigated landscaping. No exposed areas subject to erosion would be created or affected by the Project and impacts related to erosion or loss of topsoil would be less than significant (Draft EIR, p. 4.5-15).

**Located on or Would Cause Unstable Soil**

***Landslides***

The Project site is not located within a zone of required investigation for earthquake-induced landslides, as identified by the CGS and the City (Appendix E-1 of the Draft EIR; City of Arcadia 2010). There are no known landslides near the site, nor is the site in the path of any known or potential landslides. Therefore, the Project would not be located on a geologic unit that is unstable with respect to landslides. Impacts would be less than significant (Draft EIR, p. 4.5-16).

***Liquefaction/Lateral Spreading***

The Project site is not located in an area potentially susceptible to liquefaction or lateral spreading, as discussed in the Geotechnical Investigation (Appendix E-1 of the Draft EIR). Impacts associated with lateral spreading would be similar to those associated with liquefaction and would therefore be less than significant (Draft EIR, p. 4.5-16).

***Subsidence***

According to the Geotechnical Investigation, the existing artificial fill and any unsuitable, soft alluvial soils onsite are considered suitable for reuse provided they are compacted to meet current building code requirements (Appendix E-1 of the Draft EIR). In addition, according to the Geotechnical Investigation the Project site is not located within an area of known ground subsidence (Appendix E-1). No large-scale extraction of groundwater, gas, oil, or geothermal energy is occurring or planned at the site or in the general site vicinity. There appears to be little or no potential for ground subsidence due to the withdrawal of fluids or gases at the site. As such, impacts related to subsidence would be less than significant (Draft EIR, p. 4.5-16).

***Collapsible Soils***

The Geotechnical Investigation concluded that after appropriate site preparations (e.g., removal and re-compaction of artificial fills) settlement is anticipated to be tolerable for the proposed development. A final design-level geotechnical investigation report is required in accordance with the CBC. As previously discussed, the 2022 edition of the CBC, including Appendix J, pertaining to grading requirements, is adopted by reference pursuant to Section 8110 of the AMC (City of Arcadia 2021). Geotechnical investigations must be prepared by registered professionals (i.e., California Registered Civil Engineer or Certified Engineering Geologist). Recommendations from geotechnical investigations must be incorporated into the design and construction of the Project, as reviewed, and approved by the City's Development Services Department. As such, impacts related to collapsible/compressible soils would be less than significant (Draft EIR, p. 4.5-16 and 4.5-17).

**Located on Expansive Soil**

According to the Geotechnical Investigation, the site is underlain by artificial fill and Holocene age alluvium fan deposits comprised of sand with varying amount of silt, gravel, and cobbles (Appendix E-1 of the Draft EIR). The granular nature of the soils is considered to be non-expansive, and the Geotechnical Investigation assumes that proposed foundations and slabs would be constructed with non-expansive materials. As such, the Project would not create substantial direct or indirect risks to life or property with respect to expansive soils and impacts would be less than significant (Draft EIR, p. 4.5-17).

**Soils Incapable of Supporting Septic Tanks**

The Project site is located in the City and is currently served by existing sewer infrastructure, and any new development would require connecting to the City's existing sewer infrastructure system. There are no septic tanks or alternative wastewater disposal proposed for the Project's use; therefore, implementation of the Project would result in no impact related to septic systems or alternative wastewater disposal systems (Draft EIR, p. 4.5-17).

**Cumulative Effects*****Expose People or Structures to Fault Rupture, Strong Seismic Ground Shaking, Liquefaction, Landslides***

Seismic risks tend to be site-specific rather than cumulative in nature because the effects are so dependent on site-specific conditions and do not combine from site to site. For current and future projects, any development occurring within the County of Los Angeles, City of Arcadia, or other nearby municipalities would be subject to site development and seismic construction standards and code requirements to ensure protection from substantive damage or injury in the event of a seismic event. Adherence to these existing seismic building code requirements would ensure that adverse effects related to fault rupture, ground shaking, liquefaction, and landslides is minimized and would not become cumulatively considerable. Therefore, the Project's incremental contribution to impacts related to fault rupture, ground shaking, liquefaction, and landslides would not be cumulatively considerable (Draft EIR, 4.5-19).

***Soil Erosion or Loss of Topsoil***

Similar to the Project, all cumulative projects would be subject to existing regulations, policies, and plans established by the County of Los Angeles, City of Arcadia, or other nearby municipalities within the Santa Anita Wash watershed, as well as the Los Angeles RWCQB, that relate to erosion control. While these regulations are primarily designed to protect water quality of receiving waters, they are also effective in minimizing soil erosion or loss of topsoil. Regulations and plans that the cumulative projects would likely be subject to include NPDES permitting and associated SWPPPs and BMPs; Los Angeles RWQCB Basin Plan Water Quality Objectives for Inland Surface Waters; the City of Arcadia Development Code, Los Angeles County Code, and development codes of other municipalities within the watershed; and applicable General Plan goals and policies. Therefore, the Project's incremental contribution to impacts related to soil erosion and loss of topsoil would not be cumulatively considerable (Draft EIR, p. 4.5-19).

***Located on or Would Cause Unstable Soil, Resulting in Landslides, Liquefaction/Lateral Spreading, Subsidence, Collapsible Soils***

Geotechnical hazards tend to be site-specific because conditions can change over relatively short distances and they tend not to combine to become cumulatively considerable. In accordance with the local building code

requirements and CBC, each cumulative project would be required to prepare and implement recommendations from a comprehensive Final Geotechnical Engineering Investigation report that would be conducted by a California licensed geotechnical engineer or engineering geologist that further evaluates the soils underlying each site to evaluate the potential for landslides, lateral spreading, subsidence, liquefaction or collapse and provide geotechnical engineering improvements in site preparations and/or foundation design consistent with building code requirements that ensure stability. Therefore, the Project's incremental contribution to impacts related to unstable soils would not be cumulatively considerable (Draft EIR, p. 4.5-19 and 4.5-20).

***Located on Expansive Soil***

Impacts related to expansive soils tend to be site-specific rather than cumulative in nature, and cumulative projects occurring within the City and the City of Monrovia would be subject to, at a minimum, building code requirements which include minimum standards for expansive properties. As with the Project site, cumulative projects would be subject to the same local, regional, and State regulations pertaining to expansive soil hazards, including CBC and local building code requirements. With conformance to such regulations and implementation of Project-specific design features required in their respective geotechnical reports, the Project's incremental contribution to impacts related to expansive soils would not be cumulatively considerable (Draft EIR, p. 4.5-20).

***Soils Incapable of Supporting Septic Tanks***

The Project would not include the use of septic or alternative wastewater disposal systems and as a result cannot contribute to a cumulative impact (Draft EIR, p. 4.5-20).

**Finding**

The City finds that, based upon substantial evidence in the record, the Project would have a less than significant impact on fault rupture, strong seismic ground shaking, liquefaction, landslides, erosion, unstable soil, expansive soil, and septic tanks; therefore, no mitigation is required and no significant, unavoidable adverse impacts would occur.

## 2.3.8 Greenhouse Gas Emissions

**Greenhouse Gas Emissions**

CalEEMod was used to calculate the annual GHG emissions based on the construction scenario anticipated to commence in March 2024 and reach completion in November 2025, lasting a total of 21 months. On-site sources of GHG emissions include off-road equipment and off-site sources including haul trucks, vendor trucks, on-site trucks, and worker vehicles. The estimated total GHG emissions during would be approximately 1,419 MT CO<sub>2</sub>e over the construction period. When amortized over 30 years, the construction emissions would be approximately 47 MT CO<sub>2</sub>e (Draft EIR, p. 4.6-27 and 4.6-28). The net GHG emissions associated with development of the Project equal to approximately 2,227 CO<sub>2</sub>e would be below the SCAQMD GHG threshold of 3,000 MT CO<sub>2</sub>e per year. Even without taking into account the removal of the existing land uses, the Project's estimated emissions would be below the SCAQMD GHG threshold of 3,000 MT CO<sub>2</sub>e per year. Therefore, the Project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, and this would represent a less than significant impact (Draft EIR p. 4.6-28 and 4.6-29).

**Conflict with an Applicable Plan, Policy, or Regulation**

***Consistency with the Connect SoCal (2020–2045 RTP/SCS)***

The Project would accommodate an expected 608 residents which would be counted within the overall population growth projections included in the Connect SoCal of 5,519 residents between 2020 and 2045. Because the Project would support SCAG's goals and strategies for growth in the region, and because the Project would assist the development of new housing and improves the City's job/housing balance, impacts related to population growth assumed in Connect SoCal would be less than significant. The Project would not conflict with any of the goals within SCAG's Connect SoCal. Therefore, the Project would not conflict with the goal to improve air quality and GHG emissions in the region (Draft EIR, pp. 4.6-29 through 4.6-32).

***Consistency with CARB's 2017 Scoping Plan, SB 32, and EO S-3-05***

The Project would not conflict with the applicable strategies and measures in the 2017 Scoping Plan. The Project would support achievement of the SB 32 and EO S-3-05 goals through compliance with GHG reducing plans and strategies identified in SCAG's 2020-2045 RTP/SCS to reduce per capita GHG emissions (Draft EIR, pp. 4.6-32 through 4.6-38).

***Consistency with CARB's 2022 Scoping Plan, AB 1279, and EO B-55-18***

The Project site is currently built out with existing underutilized uses, and thus, would not result in the loss or conversion of the State's natural and working lands. As the Project is within a TPA and in proximity to Metro's A Line Station, the Project would facilitate transit ridership for future residents and employees at the site. The Project would support the use of the existing and proposed pedestrian, bicycle, and mass-transit infrastructure and connectivity. The Project would not result in a loss of affordable units and would provide new affordable units and residential uses to a site that currently does provide residential uses. Additionally, the Project would provide 96 dwelling units per acre, which exceeds the suggested minimum of 20 residential dwelling units per acre as detailed in the 2022 Scoping Plan. As demonstrated above, the proposed Project would not conflict with CARB's 2022 Scoping Plan updates and with the state's ability to achieve the GHG reduction and carbon neutrality goals. The Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, and this impact would be less than significant (Draft EIR, p. 4.6-39).

**Cumulative Effect*****Greenhouse Gas Emissions***

Global climate change is a cumulative impact; a project participates in this potential impact through its incremental contribution combined with the cumulative increase of all other sources of GHGs. The Project would not result in GHG emissions in exceedance of the interim SCAQMD significance threshold. Therefore, the Project would not result in a cumulatively considerable impact with regard to generation of GHG emissions and the cumulative impact would be less than significant (Draft EIR, pp. 4.6-39 and 4.6-40).

***Conflict with an Applicable Plan, Policy, or Regulation***

The Project would be consistent with all applicable GHG reduction plans, including the 2020-2045 RTP/SCS Connect SoCal, CARB's 2017 Scoping Plan, CARB's 2022 Scoping Plan, AB 1279, SB 32, EO-S-3-05, and EO B-55-18. Therefore, the Project would not result in a cumulatively considerable regarding conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions (Draft EIR, p. 4.6-40).



**Finding**

The City finds that, based upon substantial evidence in the record, the Project would have a less than significant impact on emissions generated, consistency with applicable regulations, and cumulative GHG effects; therefore, no mitigation is required and no significant, unavoidable adverse impacts would occur.

### 2.3.9 Hazards and Hazardous Materials

**Routine Transport, Use, or Disposal of Hazardous Materials/Release of Hazardous Materials and the Potential for Upset Conditions*****Long-Term Operational Impacts***

The operational phase of the proposed Project would not be expected to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Hazardous materials would be limited to use of commercially available cleaning products, landscaping chemicals and fertilizers, and various other commercially available substances. Such chemicals are typically used in residential and commercial uses, and when used in accordance with manufacturer's recommendations and applicable regulations, do not result in a risk to human health or the environment. The routine transport, use, and/or disposal of these substances would be subject to applicable federal, state, and local health and safety laws and regulations, which would minimize health risk to the public and the environment and impacts would be less than significant (Draft EIR, pp. 4.7-17 and 4.7-18).

**Hazardous Materials within One-Quarter mile of an Existing or Proposed School**

The school nearest to the Project site is Rancho Learning Center, which is approximately 0.07 miles south of the Project site. As such, there is a school located within one-quarter mile of the proposed Project site. The Project includes residential and commercial (restaurant) uses that do not require the use of large quantities of hazardous or acutely hazardous materials. Other hazardous materials would be limited to use of commercially available cleaning products, landscaping chemicals and fertilizers, and various other commercially available substances. Such chemicals are typically used in residential and commercial uses, and when used in accordance with manufacturer's recommendations and applicable regulations, do not result in a risk to human health or the environment. Therefore, the potential for the Project to affect Rancho Learning Center is limited, and impacts would be less than significant (Draft EIR, p. 4.7-19).

**Cortese List**

The Project site is not listed on a Cortese List site, nor is it likely that the Project site has been impacted by a Cortese List site. Therefore, the Project would not create a significant hazard to the public or the environment due to its location of a hazardous materials site included on the list compiled under Government Code Section 65762.5, and no impact would occur (Draft EIR, p. 4.7-19).

**Near an Airport or within an Airport Land Use Plan**

The Project site is not located within 2 miles of a public use airport, nor is it located within an airport land use plan. Therefore, the Project would not result in a safety hazard or excessive noise due to proximity to an airport for people residing or working in the Project area, and no impact would occur (Draft EIR, p. 4.7-20).

**Impair or Interfere with an Adopted Emergency Response Plan or Emergency Evacuation Plan*****Long-Term Operational Impacts***

The Project site is located in an urban area near the City's downtown, which is within the existing service area for the Arcadia Fire Department and other first responders. The Project would comply with all applicable provisions of the City's Municipal Code and CFC (as amended) pertaining to emergency access and preparedness, including Section 403.b, requiring preparation of an approved fire safety and evacuation plan, and Section 501.3, requiring review and approval of Project plans to ensure adequate roadway and building access for emergency responders. Compliance with CFC requirements would ensure appropriate access and other conditions (i.e., emergency responder radio coverage) for first responders during Project operation. Additionally, the Project would be required to adhere to General Plan Safety Element Policies S-5.1, S-5.2, and S-5.11, which require police and fire department personnel to be involved in the development review process, require integration of new technologies for crime and fire prevention in new development, and require new developments to pay for costs associated with increased public safety needs. The Project's required compliance with the CFC and other City policies and standards adopted to ensure proper emergency response and evacuation would ensure that operational Project impacts related to implementation of the EMP and OAERP would be less than significant (Draft EIR, p. 4.7-21).

**Wildland Fires**

The Project site is located in a highly urbanized area and is not located within an area of high wildfire hazard, such as a wildland urban interface area, State Responsibility Area, or within a Very High Fire Hazard Severity Zone (CAL FIRE 2022). Therefore, people and structures would not be subject to significant risks related to wildland fires, and no impacts would occur (Draft EIR, p. 4.7-21).

**Cumulative Effect*****Hazardous Materials within One-Quarter mile of an Existing or Proposed School***

The school nearest to the Project site is Rancho Learning Center, which is approximately 0.07 miles south of the Project site. As such, there is a school located within one-quarter mile of the Project site. Cumulative project A2, would comply with all existing regulation regarding the use of hazardous materials, which would prevent releases of hazardous materials from soils on cumulative project sites into the environment. Additionally, similar to the Project, cumulative project A2 would support mixed commercial and residential uses and would not include industrial uses that would be likely to generate or store reportable quantities of hazardous or acutely hazardous materials within one quarter mile of a school. Compressed gas canisters used for beverage sales in restaurants and propane tanks (if used) would not exceed reportable quantities and would be handled and stored pursuant to applicable CFC, Health and Safety Code, and OSHA standards. Due to the nature of the proposed land uses and required compliance with applicable regulations, impacts related to the Project in combination with cumulative project A2 would not be cumulatively considerable (Draft EIR, 4.7-24).

**Finding**

The City finds that, based upon substantial evidence in the record, the Project would have a less than significant impact on hazards and hazardous materials as it relates to the long-term use, storage and transport of hazardous materials; proximity of an existing or proposed school; the proximity of the project to an airport or an airport land use plan; emergency response plan; Cortese list; wildland fires; and cumulative impacts to hazards and hazardous materials; therefore, no mitigation is required and no significant, unavoidable adverse impacts would occur.

## 2.3.10 Hydrology and Water Quality

### **Violate Water Quality Standards or Waste Discharge Requirements**

#### ***Short-Term Construction Impacts***

In accordance with the Construction General Permit, as established by the Porter-Cologne Water Quality Act, the development of an acre or more of land must file a notice of intent with the SWRCB, followed by development of a site-specific SWPPP for construction activities (AMC Section 7827, General Control of Runoff Required, Construction Activity). The property owner/developer must comply with the Construction General Permit applicable at the time a grading permit is issued. The SWPPP must include erosion- and sediment-control BMPs that will meet or exceed measures required by the determined risk level of the Construction General Permit, as well as BMPs that control the other potential construction-related pollutants. Final and comprehensive grading plans would be approved by the City Engineer before the City issues grading permits, in compliance with all applicable AMC requirements, including Section 7554.6, Soil and Grading Requirements, and Article VIII, Chapter 13, Los Angeles County Grading Code.

The historical high groundwater levels in the Project vicinity have been identified at 150 feet below the ground surface, and as such, excavation activities associated with the subterranean parking garage and elevator pits are not expected to encounter groundwater. Groundwater dewatering would be controlled in compliance with the Waste Discharge Requirements for the Discharge of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties (Order No. R4-2018-0125, NPDES No. CAG994004). This permit requires permittees to conduct monitoring of dewatering discharges and adhere to effluent and receiving water limitations contained within the permit so that the water quality of surface waters is protected. Therefore, compliance with existing regulations would ensure that the Project would not violate any water quality standards or WDRs or otherwise substantially degrade surface or groundwater quality from demolition and construction activities. Impacts would be less than significant (Draft EIR, pp. 4.8-13 through 4.8-15).

#### ***Long-Term Operational Impacts***

Project design, construction, and operation would be required to be completed consistent with the RH/SGRWQG EWMP, and in accordance with the City's Stormwater Management and Discharge Control Ordinance (Article VII, Chapter 8 of the AMC), Construction General Permit, MS4 Permit, WDRs, and the County of Los Angeles Low Impact Development Best Management Practices Handbook (LID Manual), with the goal of reducing the amount of pollutants in stormwater and urban runoff (City of Arcadia 2022).

The LID Manual requires that BMPs be designed and implemented to manage and capture stormwater runoff. Based on the Geotechnical Investigation, prepared for the Project (see Appendix E-1) and the LID Report (Appendix G) it was determined that infiltration is feasible for stormwater treatment. Three drywells and one four-foot diameter primary settling chamber are proposed to be constructed on the Project site, located in the subterranean parking lot, which would be able to capture the required runoff volume and treat that volume as quickly as it enters the drywell system.

In addition to the drywells and settling chamber, the Project site and its immediate surrounding area contains existing stormwater infrastructure, including a storm drainpipe that runs under E. Huntington Drive directly south of the Project site, as well as curb- and side-opening catch basins. The drywells and settling chamber to be constructed as part of the Project would result in the treatment of the entire required volume for the Project site

and the elimination of pollutant runoff up to the 85th percentile rain event. In accordance with all applicable state and local regulations, including General Plan Policy RS-9,<sup>3</sup> Project source controls to improve water quality would be provided for impervious surfaces, such as parking areas, trash storage/waste areas, loading/unloading zones, driveways, and sidewalks. As a result of compliance with existing regulations, the Project would not violate any water quality standards or WDRs or otherwise substantially degrade surface or groundwater quality during the long-term Project operations. Impacts would be less than significant (Draft EIR, pp. 4.8-15 through 4.8-17).

### **Decrease Groundwater Supplies or Interfere with Groundwater Recharge**

The existing Project site largely consists of impervious surfaces in the form of buildings and paved parking lots, with minimum landscaping features within the parking lots and around the existing buildings and site boundaries. The amount of impervious area on the Project site would remain relatively unchanged with implementation of the proposed Project. Additionally, the Project site is located above the Main Basin (Groundwater Basin 4-013), which has been designated as Very Low Priority with respect to establishment of a GSA and completion of a Groundwater Sustainability Plan (City of Arcadia 2021; SGMA 2022). (Potable water supplies required to supply the proposed Project are discussed in Section 4.15, Utilities and Service Systems.) Therefore, the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of a groundwater basin. Impacts would be less than significant (Draft EIR, pp. 4.8-17 and 4.8-18).

### **Alter Existing Drainage Pattern (Erosion, Surface Runoff, Exceed Capacity Drainage System, Impede or Redirect Flood Flows)**

The proposed Project site is fully developed in its existing condition and is located in a highly urbanized portion of the City, surrounded by developed properties. The Project would infiltrate stormwater in accordance with all applicable LID regulations and would continue to discharge into the existing storm drain system. Additionally, the total amount of impervious surface area would remain relatively unchanged and post-project runoff is anticipated to be reduced when compared to existing conditions. Therefore, the Project would not substantially alter the existing drainage pattern of the site, including through the alteration of the course of a stream or river or through the addition of impervious surfaces such that downstream streams or rivers would be affected. Impacts would be less than significant (Draft EIR, p. 4.8-18).

### **Flood Hazard, Tsunami, or Seiche Zones**

No areas within the City are designated 100-year flood zones (City of Arcadia 2010b). According to FEMA, the Project site is located within Zone D, which is an area of undetermined flood risk (FEMA 2022). Additionally, the Project site is located within the Santa Anita Dam flood inundation zone. Approximately half of the City is located within this dam inundation zone and failure of the Santa Anita Dam would lead to inundation of a large area within the eastern section of the City. At capacity, floodwaters from the dam would travel down Santa Anita Canyon to about Orange Grove Avenue and then spread across the eastern half of the city from Arcadia Wash, including onto portions of the Project site (DWR 2022). To comply with state dam safety regulations, the water level behind the dam is restricted to be no higher than an elevation of 1,230 feet amsl, to meet the California Division of Safety of Dams seismic safety requirements and to reduce the potential magnitude of downstream flooding (City of Arcadia 2010b). Furthermore, according to the General Plan Safety Element, flood hazards in the City are well addressed by existing storm control infrastructure (City of Arcadia 2010a). Moreover, the seismic retrofit of the Santa Anita Dam, which

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<sup>3</sup> As shown in Section 4.9.2 of the Draft EIR, General Plan Policy RS-4.9 requires LID strategies to be incorporated into new construction.

was built in 1927, is scheduled to begin in Spring of 2023 to improve public safety and prevent flood damage to downstream communities (LACDPW 2022). The Project site is not located near a body of water or close to the ocean and as a result, is not susceptible to a tsunami or seiche (DOC 2022). Therefore, Project impacts would be less than significant (Draft EIR, pp. 4.8-18 and 4.8-19).

#### **Conflict with Water Quality Control Plan or Sustainable Groundwater Management Plan**

The Los Angeles RWQCB Basin Plan is the WQMP for the Los Angeles Region (i.e., RWQCB Region 4), which includes the City (LARWQCB 2014). With compliance with applicable regulations, the Project does not include any facilities or land uses that could generate pollutants that could result in substantial water quality impacts. Compliance with the City's stormwater management requirements would protect the water quality of watercourses in a manner pursuant to and consistent with the Federal Clean Water Act, and pursuant to the NPDES Construction General Permit No. 2009-0009-DWQ. Restrictions in the City's Stormwater Management and Discharge Control Ordinance are applicable to both construction activities and operations. Additionally, compliance with the Construction General Permit issued by the SWRCB would require implementation of BMPs during construction to address the potential for pollutants from entering downstream waters. The Project would not conflict with or obstruct the Los Angeles RWQCB Basin Plan. With respect to groundwater management, a GSA has not been established for the Main San Gabriel Basin, as it is an adjudicated basin and is not considered a high priority basin. Therefore, a Groundwater Sustainability Plan is not required and has not been adopted for the Main Basin. Further, the Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. As a result, the Project would not conflict with or obstruct a sustainable groundwater management plan. Impacts would be less than significant (Draft EIR, pp. 4.8-19 and 4.8-20).

#### **Cumulative Effect**

##### ***Violate Water Quality Standards or Waste Discharge Requirements***

The proposed Project as well as other cumulative projects has the potential to increase the amount of pollutants in the area being released during both construction and operational phases. Typical pollutants of concern would be associated with the construction phase (e.g., sediment, fuels, litter), private vehicle use (e.g., any leakage of grease/oils), landscaping/grounds work (e.g., improper/excessive use of pesticides, herbicides, and/or fertilizers), and/or trash (e.g., due to improper waste disposal). The release of such pollutants; however, would be minimized through compliance with terms and conditions of the applicable NPDES permits, CALGreen Code, California Building Code, MS4 Permit, and all applicable AMC requirements, and ordinances of other authorities in the region, including the requirement to implement a SWPPP for development and redevelopment projects disturbing an area of one or more acre(s) for coverage under the Construction General Permit. All development within the Los Angeles River Watershed would be subject to the water quality standards outlined in the Los Angeles RWQCB Basin Plan and would comply with any established TMDLs. Therefore, with compliance with applicable water quality standards and implementation of appropriate storm water management measures, the Project would not result in a cumulatively significant impact to hydrology and water quality (Draft EIR, pp. 4.8-20 and 4.8-21).

##### ***Decrease Groundwater Supplies or Interfere with Groundwater Recharge***

The Project site is located in the Rio Hondo subwatershed, which is an area that has largely been urbanized with impervious surfaces. While future development projects located in the Rio Hondo subwatershed, including those listed in Chapter 2 of this Draft EIR, may slightly increase the amount of impervious surface in the area, this increase would be modest. As such, due to the existing developed nature of the Project site, its surrounding area, and the

Rio Hondo subwatershed, cumulative impacts related to groundwater supplies would be less than significant. Because there is not an underlying cumulative impact that the Project could contribute to, cumulative impacts to groundwater would be less than significant (Draft EIR, p. 4.8-21).

***Alter Existing Drainage Pattern (Erosion, Surface Runoff, Exceed Capacity Drainage System, Impede or Redirect Flood Flows)***

All of the drainages and washes in the City, including the Santa Anita Wash and Arcadia Wash, are concrete-lined, meaning no alteration in the course of these channels would occur from future development. The proposed Project and its surroundings are located in a built-up, urbanized area that is mainly covered with impervious surfaces. As such, cumulative projects would not result in a large increase in the amount of impervious surface area. Because there is not an underlying cumulative impact that the Project could contribute to, cumulative impacts to altering the existing drainage pattern of the site (which is site specific) would be less than significant (Draft EIR, p. 4.8-22).

***Flood Hazard, Tsunami, or Seiche Zones***

In the event of dam failure, however, flood waters would impact much of the City. In accordance with the City's Floodplain Management Regulations, all new construction and major improvements are required to be adequately anchored to prevent flotation, collapse, or lateral movement in the event of a flood; to be constructed with materials an utility equipment resistant to flood damage; and to have electrical, heating, ventilation, plumbing, and air conditioning equipment and other utility systems that prevent water from entering or accumulating within structures during floods. Compliance with these regulations would ensure the cumulative impact is less than significant. The Project site is not located in a coastal area that is subject to tsunami hazards. Therefore, because there is not an underlying cumulative impact that the Project could contribute to, cumulative impacts associated with a tsunami or seiche would be less than significant (Draft EIR, p. 4.8-22).

***Conflict with Water Quality Control Plan or Sustainable Groundwater Management Plan***

The Project and cumulative projects in the area would be subject to the Los Angeles RWQCB Basin Plan, which is the RWQCB Region (i.e., Region 4). Future projects would be required to comply with requirements related to the Construction General Permit and MS4 Permit (e.g., implementation of a SWPPP, stormwater BMPs, and LID design). With the compliance of applicable regulations, the proposed Project, as well as future cumulative projects, would reduce the potential for impairment of surface and groundwater resources. Further, pursuant to SGMA, both the Raymond Basin and the Main Basin are identified as very low priority basins and are exempt from the requirements of developing Groundwater Sustainability Plans. As such, cumulative impacts associated with the conflict or obstruction of a water quality control plan or sustainable groundwater management plan that could impede sustainable management of a drainage basin or groundwater basin would be less than significant (Draft EIR, pp. 4.8-22 and 4.8-23).

**Finding**

The City finds that, based upon substantial evidence in the record, the Project would have a less than significant impact on hydrology and water quality. Therefore, no mitigation is required, and no significant, unavoidable adverse impacts would occur.

## 2.3.11 Land Use and Planning

### **Physically Divide an Established Community**

Under the existing condition, the Project site is developed and is not used as a connection or thoroughfare between established communities. Instead, connectivity within the area surrounding the Project site is facilitated via local roadways. The Project would involve reconfiguration of two existing access points along E. Huntington Drive and one access point along Gateway Drive to provide one full access driveway along E. Huntington Drive and two access points along Gateway Drive. Therefore, the number of access point for ingress/egress would not change under the Project. The Project does not include the construction of a new roadway that would impair mobility within the existing Project site or the surrounding area. As such, the Project would not impede movement within the Project site, within an established community, or from one established community to another. Therefore, impacts associated with the division of an established community would be less than significant (Draft EIR, p. 4.9-9).

### **Conflict with an Applicable Land Use Plan, Policy, or Regulation**

#### ***Consistency with the Connect SoCal (SCAG 2020–2045 RTP/SCS)***

The Project would accommodate up to approximately 608 residents, which would be approximately 0.98 percent of the 2045 SCAG estimate for the City's projected total population. Additionally, it is likely that the proposed residential units would accommodate a combination of existing residents and new residents that either currently work within the City and/or new residents that would be hired as a result of projected employment generation within the City.

The Project is replacing the commercial uses that exist on the site with improved commercial space under the proposed Project; therefore, there would be no net loss of commercial uses or employment. Furthermore, the Project is estimated to generate a net addition of 34 employees which could be filled by unemployed persons in the City or by unemployed persons in the County. The estimated 34 new jobs resulting from the Project would make up a small percentage of the overall expected growth in the City and would not exceed the SCAG employment projections or induce substantial unplanned population growth to fill these jobs. This indicates that the Project would not outpace regional infrastructure, since the SCAG RTP/SCS is used for local and regional planning purposes.

The Project would implement the guiding principles, goals, and policies of SCAG's Connect SoCal as they relate to livability, economic prosperity, and sustainability through the development of a mixed-use residential development. The development of the Project within proximity to transit would thereby alleviate pressure on suburban and open space areas to develop.

The Project would not conflict with any of the goals within SCAG's Connect SoCal. The Project would develop the Project site, accommodating up to approximately 608 residents and a net addition of 34 employees as compared to existing conditions. The Project site's vicinity is served by existing public transit such as the Metro A Line and various bus routes provided by Metro and Foothill Transit. The Project would not conflict with the applicable goals in the RTP/SCS adopted for the purpose of avoiding or mitigating an environmental effect and the impact is less than significant (Draft EIR, pp. 4.9-10 through 4.9-13).

***City of Arcadia General Plan Consistency***

The Project would not conflict with applicable goals and policies of the General Plan<sup>4</sup>. The Project requests the approval of a General Plan Amendment (GPA No. 22-01) to change the Land Use Designation from C-G to DMU with an accompanying Land Use map change. Upon approval of the proposed amendment, the Project would be brought into compliance with the General Plan Land Use Designation. The Project would be consistent with the General Plan for the purposes of avoiding or mitigating environmental effect (Draft EIR, pp. 4.9-13 through 4.9-47).

***City of Arcadia Municipal Code***

The Project requests a Zone Change (ZC No. 22-01) from C-G to DMU with H7 Height Overlay. The current C-G zone has a maximum allowable building height of 40 feet and does not allow for residential use. Thus, the zone change would be required to rezone the Project site to DMU, which would allow for the Project's proposed mixed-use development. The proposed Zone Change would also include an H7 Special Height Overlay, pursuant to Section 9102.11.040 of the City's Development Code (Development Code) (AMC, Chapter 1, Article IX, Section 9101 et seq.) The H7 Special Height Overlay would increase the maximum allowable building height on the Project site to 75 feet, thus allowing for the proposed six-story mixed-use building, which would have an overall maximum height of 71 feet, including a 3-foot parapet. Upon approval of the proposed zoning change, the Project would be consistent with the Arcadia Municipal Development Code for the purposes of avoiding or mitigating environmental effect.

Under the proposed DMU zoning, the Project site would have an allowable base density of 80 dwelling units per acre, allowing for a total of 178 dwelling units on the 2.23-acre site. The Project proposes to use a 5 percent density bonus under the California Density Bonus Law (California Government Code Sections 65915 – 65918) to increase the number of housing units. In accordance with Section 9103.15 (Density Bonuses for Affordable and Senior Housing) of the Development Code, the Project is required to complete an application for Site Plan and Design Review pursuant to Section 9107.19 (Site Plan and Design Review) of the Development Code. Through the application process, the City would thoroughly review all plans for the Project to ensure compliance with the AMC, and other relevant plans, policies, and regulations. Upon approval of these discretionary land-use entitlements, less than significant impacts would occur related to land use regulations adopted for the purposes of avoiding or mitigating an environmental effect (Draft EIR, p. 4.9-48).

**Cumulative Effects*****Physically Divide an Established Community***

The Project includes a Lot Line Adjustment which would merge two existing parcels into one legal parcel. In addition, the Project would involve reconfiguration of two existing access points along E. Huntington Drive and one access point along Gateway Drive to provide one full access driveway along E. Huntington Drive and two access points along Gateway Drive. Therefore, the number of access point for ingress/egress would not change under the Project. Given the above, the Project, in combination with the cumulative projects, would be less than significant (Draft EIR < p. 4.9-49).

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<sup>4</sup> Note: Table 4.9-2 contains General Plan goals and polices that may be generally related to certain Project components and potential CEQA issues. However, several policies listed in Table 4.9-2 are marked as "Not Applicable" as they do not fall under the responsibility of the Project proponent to implement. These policies are included in Table 4.9-2 to provide context for other General Plan goals and policies.



***Conflict with an Applicable Land Use Plan, Policy, or Regulation***

Given the built-out conditions of the greater Los Angeles Metropolitan region, including the Project site, cumulative development would likely convert existing underutilized properties in the Project site's area to revitalized higher-density developments to respond to the need for housing, sources of employment, and associated retail land uses. The Project would benefit the surrounding community by replacing underutilized properties; add residential uses to a job-rich community; and improve local and regional access to the regional transportation network. Furthermore, by providing additional housing and employment in close proximity to transit, the Project would assist the City and region in achieving short- and long-term planning goals and objectives related to reducing urban sprawl, efficiently using existing infrastructure, reducing regional congestion, and improving air quality through the reduction of VMT. This would not conflict with SCAG and other regional policies for promoting more intense land uses adjacent to transit stations and job centers.

Generally, land use conflicts would be related to noise, traffic, air quality, and hazards/human health and safety issues, which are discussed in the relevant sections of the Draft EIR. Land use conflicts are also typically site-specific and not cumulative in nature; in other words, despite the number of cumulative projects in a given area, they would not necessarily compound to create cumulative land use conflicts. Further, all cumulative projects in the City would be subject to the same local development standards, such as those identified in the City's Development Code, as the Project. Therefore, cumulative impacts related to land use and planning would be less than significant. No mitigation is required (Draft EIR, pp. 4.9-49 and 4.9-50).

**Finding**

The City finds that, based upon substantial evidence in the record, the Project would have a less than significant impact on land use and planning; therefore, no mitigation is required, and no significant, unavoidable adverse impacts would occur.

### 2.3.12 Mineral Resources

There are no oil wells or oil/mineral extraction activities on the Project site (CalGEM 2022). Current on-site land uses do not allow for oil/mineral extraction. According to the Department of Conservation's California Geological Survey, the City is within a Mineral Resources Zone-2 area, which is classified as an area or areas where "adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists" (DOC 2010). Ordinarily, classification of a mineral deposit as MRZ-2 would constitute adequate evidence that an area contains significant mineral deposit; thus, the Project could result in the loss of mineral resources of known importance to the state (DOC 2002). However, in recognition of the fact that much of the MRZ-2 designated lands within the San-Gabriel Valley Production-Consumption Region have become highly urbanized, and therefore incompatible with mineral extraction enterprises, the zone has been further designated into discreet Sections (DOC 2014). The Project site is not located in a Section currently identified as being suitable for mineral extraction (DOC 2014). As the site is not considered suitable for mineral extraction, and as there are no oil wells or oil extraction activities on the site, Project impacts associated with mineral resources would not occur (Draft EIR, p. 5-12).

**Finding**

Appendix B of the Notice of Preparation for the Project found no potential for significant impacts to mineral resources; therefore, mineral resources were not addressed in the Draft EIR. No mitigation would be required and no significant, unavoidable adverse impacts would occur.

**2.3.13 Noise****Generation of a Substantial Temporary or Permanent Increase in Ambient Noise Levels*****Operational Noise*****Off-Site Traffic Noise**

The predicted change in roadway traffic noise would be less than 2-3 dBA which is considered a less-than-significant impact. Additionally, the added Project traffic contribution would not cause a traffic noise level greater than 65 dBA CNEL where the existing traffic noise level is already at or exceeds that level. In light of these predicted findings, Project-attributed traffic would cause increases in roadway volumes or trips on 2nd Avenue, E. Huntington Drive, Gateway Drive, and Fifth Avenue, but not at levels expected to yield significant impacts. Therefore, noise associated with traffic would be a less-than-significant impact (Draft EIR, pp. 4.10-19 and 4.10-20).

**Rooftop Heating, Ventilation, and Air Conditioning Noise**

Predicted levels range between 31 to 44 dBA hourly Leq, which is below the City's noise standard of 50 dBA Leq for commercial properties. Aggregate noise emission from continuously operating outdoor-exposed rooftop HVAC units is expected to be below the City's exterior noise threshold of 60 dBA Leq for commercial land uses. Therefore, noise associated with stationary operations related to rooftop HVAC equipment would be considered a less-than-significant impact (Draft EIR, p. 4.10-20).

**Excessive Groundborne Vibration or Groundborne Noise Levels**

The predicted 0.29 ips PPV for the on-site vibration-generating equipment is less than the Caltrans vibration threshold of 0.5 ips PPV for building damage risk to newer residential structures and would therefore be considered a less-than-significant impact. With respect to building occupants within these offsite structures, application of a -5 dB coupling loss adjustment results in a reduced vibration velocity magnitude of 0.16 ips PPV, which would be less than the Caltrans annoyance standard of 0.2 ips PPV. Therefore, groundborne vibration would be considered a less-than-significant impact (Draft EIR, pp. 4.10-20 and 4.10-21).

**Expose People Residing or Working in Airport Land Use Plan to Excessive Noise Levels**

The San Gabriel Valley Airport (a.k.a., El Monte Airport) is located approximately 3.3 miles south of the Project site. At this distance, the Project site is well beyond the 65 dBA CNEL noise contour associated with existing aviation noise from operations at this closest airport (County of Los Angeles 2022). Therefore, there would be no impact to Project onsite employees or future residents with respect to exposure to aviation noise (Draft EIR, p. 4.10-21).

## Cumulative Effects

### *Temporary/Periodic Increases in Ambient Noise Levels*

#### Noise in Excess of Standards

Implementation of the Project as well as unrelated development projects within its vicinity would all be individually subject to applicable noise standards (descriptions of the standards applicable within the City are described throughout this section). On this basis, and because noise impacts of the Project with respect to relevant standards would be less than significant with mitigation, the Project would not contribute to cumulative exceedances of noise standards, and its incremental effect would be a less-than-significant impact (Draft EIR, p. 4.10-22).

### *Temporary/Periodic Increases in Ambient Noise Levels*

A few projects are approved and thus may have future construction periods that could potentially overlap that of the Project. However, even if this schedule overlap were to occur, these other projects within the cities of Arcadia and Monrovia are over 700 feet away from noise-sensitive receptors studied for the Project. Due to the decrease in noise levels with distance and the presence of physical barriers (i.e., intervening buildings and topography), noise due to construction of other cumulative projects would be no more than a barely perceptible difference (i.e., up to a 3 dBA change). Based on the cumulative project list provided by the City for the Project, there are no construction projects that would potentially contribute construction noise that would, in combination with the Project, result in cumulative impacts. Thus, cumulative impacts associated with temporary increases in ambient noise levels would be considered less than significant (Draft EIR, p. 4.10-22).

### *Permanent Increase in Ambient Noise Levels*

#### Off-Site Traffic

Predicted noise increases attributed to Project-added volumes or trips to the volumes of the existing roadway network result in less than significant impacts. Future traffic conditions, such as during the “horizon” year, are likely to exhibit greater volumes of traffic along the same roadways adjoining the Project. This means that a future year traffic noise setting without the Project traffic added, but including cumulative contribution from other projects, would result in a higher noise level against which a horizon-plus-Project case would be compared. Since the Project traffic contribution would be the same, its additive effect to the future traffic volumes would be smaller; hence, the increase in traffic noise level would be less than the allowable dB increase of 3 dB, and would have a less-than-significant cumulative traffic noise (Draft EIR, p. 4.10-23).

#### Stationary Sources

Noise from operation of stationary mechanical equipment added to the outdoor ambient sound environment as a result of Project implementation would include permanent on-site noise sources (e.g., rooftop HVAC equipment), a cumulative increase in the outdoor ambient sound environment due to such operation of Project onsite noise sources and comparable sound sources from other unrelated future projects could occur, but only if distances to a common receptor position were sufficiently short. The nearest unrelated project being at least 700 feet away from a noise-sensitive receptor studied for the Project, the attenuated noise from the other project would not make a cumulatively meaningful contribution to the increase in outdoor ambient sound environment attributed to the Project. Hence, cumulative impacts to outdoor ambient noise levels resulting from Project stationary sources would be less than significant (Draft EIR, p. 4.10-23).

***Vibration***

Groundborne vibration attenuates very rapidly with distance. At a distance of at least 700 feet, the apparent nearest distance of an unrelated projects, the predicted vibration level would be less than 0.0006 ips PPV. Due to potentially concurrent construction activities, the frequency of vibration occurrences may increase in quantity at a common receptor position; but at such a low magnitude, and because such vibrations are frequency-dependent and therefore unlikely to combine additively, this predicted PPV from construction of an unrelated project will not cause a cumulatively considerable effect at the studied receptor. For these reasons, such cumulative construction vibration impact would be less than significant (Draft EIR, p. 4.10-23).

***Expose People Residing or Working in Airport Land Use Plan to Excessive Noise Levels***

Neither the Project nor any of the cumulative list projects is located within the vicinity of a private airstrip or within 2 miles of a public airport. The 60-65 dBA CNEL noise contour associated with the closest public airport (San Gabriel Valley Airport, located approximately 3 miles south of the cumulative list projects) does not extend into the vicinity; therefore, there would be no cumulative impact. The Project would not result in a cumulatively considerable impact (Draft EIR, p. 4.10-24).

**Finding**

The City finds that, based upon substantial evidence in the record, the Project would have a less than significant impact on noise as it relates to operational noise, groundborne vibration, exposing people residing or working within an airport land use plan to excessive noise levels, and cumulative noise impacts; therefore, no mitigation is required and no significant, unavoidable adverse impacts would occur.

## 2.3.14 Population and Housing

**Induce Substantial Population Growth*****Construction***

The Project involves fairly common construction requirements that would not require a highly specialized labor force to permanently relocate from other regions. Different Project construction activities require specific skill sets for a much shorter duration than the overall construction schedule. Because most construction workers would not be needed continuously and would only be needed for various components of the Project (e.g., drywall installers, electricians, plumbers, etc.), it is reasonable to assume that most workers/crews would work at the Project site on a temporary basis only, and thus, are not likely to relocate their households as a consequence of the construction job opportunities presented by the Project. Any changes in the City or regional population, housing, or employment due to short-term construction activities would result in a less-than-significant impact (Draft EIR, p. 4.11-11).

***Operation***

Implementation of the Project would require a General Plan Amendment (No. GPA 22-01) to change the land use designation from Commercial to Downtown Mixed Use; and a Zone Change (No. ZC 22-01) to rezone the Project site from General Commercial (GC) to Downtown Mixed Use (DMU). These proposed changes would thereby enable future residential development. As such, the Project would directly result in the building of new housing where housing currently does not exist (Draft EIR, p. 4.11-11).

**Population Projections**

The Project would be considered growth-accommodating rather than growth-inducing in that the Project's 214 new residential units would accommodate up to 608 residents, which are anticipated to be a mix of current and future residents to the City. However, even if all 608 residents were new to the City, the Project would still be within the overall population growth projections included in the General Plan and Connect SoCal. Because the Project would support the General Plan's and SCAG's goals and strategies for growth in the region and the state's goals for increasing the housing stock for all income groups and improve the City's job/housing balance, the Project would not induce substantial unplanned population growth and impacts would be less than significant (Draft EIR, pp. 4.11-11 and 4.11-12).

**Employment Projections**

With the occupancy of the Project, the number of jobs in the City would increase by approximately 34 positions, which could be filled by unemployed persons in the City or the County. The estimated 34 new jobs resulting from the Project would make up a small percentage of the overall expected growth in the City and would not exceed the SCAG employment projections or induce substantial unplanned population growth to fill these jobs. Therefore, the impact is less than significant (Draft EIR, pp. 4.11-12 and 4.11-13).

**Housing Projections Analysis**

The City's fair share RHNA allocation for the current housing cycle is 3,214 units. This indicates that between the years 2021 to 2029, the City needs to accommodate at least 3,214 housing units, consisting of a variety of housing types to accommodate extremely low, very low, low, moderate, and above moderate-income households to keep pace with housing demand (Draft EIR, p. 4.11-13). The City's recently approved Housing Element has various implementation actions, including rezonings and upzonings of select properties throughout the City to accommodate the City's anticipated housing need (i.e., the Regional Housing Needs Assessment [RHNA] allocation) for the current 2021 through 2029 housing cycle. Part of the City's strategy to satisfy the state-mandated RHNA allocation includes rezoning select properties from C-G to DMU with a Height Overlay of H7 (maximum height of 75 feet). The Project site is identified in the Housing Element as a subject property for rezoning to DMU (Draft EIR, p. 2-4).

The Project would create new housing and would include 205 market rate units and nine (9) very-low-income affordable units for seniors. The proposed very-low-income units would satisfy a portion of the City's mandated RHNA allocation. As such, the Project's 214 new residential units would assist the City in meeting the mandated RHNA allocation and would be consistent with and supportive of the City's Housing Element projections for new residential units within the City. The Project would not exceed SCAG or the City's housing projections or induce substantial unplanned population growth. Therefore, the impact is less than significant (Draft EIR, p. 4.11-14).

**Displace Substantial Numbers of Existing Housing or People**

The Project site is developed with two commercial buildings as well as surface parking. No housing units are located on the Project site. Thus, Project implementation would not require demolition of existing housing or displace people or housing. The Project would not displace any existing residents or housing units requiring construction of replacement housing; thus, there would be no impact (Draft EIR, p. 4.11-15).

**Cumulative Effect**

***Induce Substantial Population Growth***

Assuming 2.84 persons per household, the Project’s residential units would accommodate up to 608 residents. Additionally, the Project is estimated to result in a net addition of 34 employees as compared to under existing conditions. A total of 778 units are proposed within the City limits. In addition to the Project’s proposed 214 units, the cumulative total of housing units would be estimated at 992 new units<sup>5</sup>. Given that the City’s Housing Element is currently undergoing an update in accordance with state law and at the time of this Draft EIR’s production, state and regional housing and population projections are used for analysis comparison. The California Department of Finance estimates 20,511 housing units exist within the City in 2020. Moreover, SCAG estimates a total of 22,400 new units would be built by 2045. As such, the addition of 992 units would result in 21,503 new units in the City once the Project is operational in 2025. Therefore, the estimated household growth is within the state and regional growth projections. Furthermore, the proposed housing growth generated by the Project would further the goals and strategies of SCAG and the City’s General Plan by providing housing in an urban setting in close proximity to transit and Downtown, while contributing to a more balanced jobs-housing community. Although, the Project’s residential population would not exceed SCAG’s population projections, it can also be assumed that many of the residential units would accommodate workers within the City which could reduce the total amount of vehicle miles traveled by providing housing in proximity to employment centers.

Cumulative population growth could be assumed using the previously identified 2.84 persons per household. Thus, the cumulative projects could result in approximately 2,210 persons<sup>6</sup>. In addition to proposed population growth generated by the Project (608 residents), a total of 2,818 persons<sup>7</sup> is anticipated could be generated by 2025. Therefore, the expected population growth of that the cumulative projects combined with the Project would be captured within the overall population growth projections included in the Connect SoCal of 5,519 City residents between 2020 and 2045. Furthermore, 59,499<sup>8</sup> persons are estimated at build out of both the cumulative projects and the Project, which is within SCAG’s projected population growth of 62,200 persons for the City by 2045.

Given the above, it is not anticipated that the Project, in combination with other past, present or future foreseeable projects, would create a cumulatively considerable impact to population, housing or employment. Therefore, cumulative impacts would be less than significant (Draft EIR, pp. 4.11-16 and 4.11-17).

***Displace Substantial Numbers of Existing Housing or People***

The Project site is developed with two commercial buildings as well as surface parking. No housing units are located on the Project site. Thus, the Project would not displace people or housing. Therefore, cumulative impacts would be less than significant (Draft EIR, p. 4.11-17).

**Finding**

The City finds that, based upon substantial evidence in the record, the Project would have a less than significant impact on population and housing related to inducing growth during construction and displacing a substantial number of people or housing; therefore, no mitigation is required, and no significant, unavoidable adverse impacts would occur.

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<sup>5</sup> 778 + 214 = 992

<sup>6</sup> Total of 778 units x 2.84 persons per household = 2,210 persons

<sup>7</sup> 608 + 2,210 = 2,818

<sup>8</sup> 56,681 (latest US Census population) + 2,818 (cumulative added population for Project and relevant projects) = 59,499

## 2.3.15 Public Services and Recreation

### Fire Protection

#### *Construction*

Construction activities associated with the proposed Project may temporarily increase demand for fire protection and emergency medical services. Construction activities associated with the proposed Project would not be considered high-risk, and the AFD is equipped and prepared to deal with construction-related incidents, should they occur. Due to compliance with applicable codes and fire safety standards, Project construction would not require a new fire station or expansion of Station 105 to accommodate additional firefighters or equipment in order to maintain acceptable service ratios, response times or other performance objectives for fire protection. Therefore, impacts are considered less than significant (Draft EIR, p. 4.12-13).

#### *Operation*

The need for new or expanded fire protection facilities/structures/buildings is associated with a substantial increase in population, new development, and/or fire activity, such as wildfire hazards. The proposed Project would result in a net gain of approximately 34 employees (as compared to existing conditions)<sup>9</sup> and 608 new residents.<sup>10</sup> The proposed Project would not exceed the Southern California Association of Governments (SCAG's) projections for growth in the region.

The Project site is currently served by three existing fire stations (Stations 105, 106, and 107) with Station 105 located less than a mile from the site. The AFD stated that as the City continues to develop high density projects, call volume for fire services will continue to increase, which would result in longer response times. With the addition of the proposed Project, services could be incrementally impacted; however the AFD has indicated that the Project would not require the construction of new or expansion of existing fire stations to accommodate new firefighters or equipment, and no mitigation is required (Appendix I-1 of the Draft EIR). Further, as a COA the Project applicant would be required to pay a fair share contribution to the City's traffic mitigation system for affected intersections to make improvements in reducing response times (Appendix I-1). The proposed Project would not require the construction of new or expansion of existing fire stations resulting in substantial adverse physical impacts in order to maintain acceptable service ratios and response times. Therefore, impacts would be less than significant (Draft EIR, pp. 4.12-13 through 4.12-15).

### Police Protection

#### *Construction*

During construction, the Project applicant or its construction contractor would implement temporary security features including security fencing, lighting, and a locked entry. These features would reduce the need for police

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<sup>9</sup> Under existing conditions, the Project site supports 53 employees, 49 of which are employed at The Derby restaurant and 4 are employed in on-site valet and parking services. Under the proposed Project, the site would support a total of 87 jobs; The Derby's new restaurant space would support 67 employees, the café space would support four employees, and the complementary restaurant space would support 10 employees. Additionally, the proposed leasing office would support 2 employees and the on-site valet services would continue to support 4 employees. A "square feet per employee" generation factor from SCAG was used to estimate projected employment for the café and complementary restaurant space. All other existing and projected employment data was provided by the Project applicant.

<sup>10</sup> This estimated number of new residents conservatively assumes full occupancy of all units (214 new housing units x 2.84 persons per household = 608 Project residents).

protection services during the Project's construction phase. Potential short-term construction impacts to police services would not result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, and impacts would be less than significant.

### **Operation**

The Project site is currently served by the APD headquarters located at 250 West Huntington Drive. In recent correspondence with APD regarding the Project, APD did not indicate that new facilities and/or physically altered facilities would be required to continue to provide acceptable service to the City under Project conditions (Appendix I-2 of the Draft EIR). Payment of development fees by the Project applicant would be used to offset the costs of increased personnel or equipment that could be required to maintain acceptable service ratios, response times, and other performance objectives. For these reasons, the proposed Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities and potential impacts would be less than significant (Draft EIR, p. 4.12-15).

### **Schools**

The Project's 214 dwelling units would generate approximately 92 new students as calculated using ASD student generation rates. This breaks down to approximately 39 elementary age students, 23 middle school, and 30 high school students. As previously discussed, the three schools that would primarily serve the Project are Camino Grove Elementary School, Dana Middle School, and Arcadia High School. According to AUSD, Camino Grove Elementary School has a current enrollment of 666 students and a capacity of 775, Dana Middle School has a current enrollment of 622 with a capacity of 918, and Arcadia High School has a current enrollment of 3,022 with a capacity of 3,672. As such, the proposed Project would not exceed the capacity of the existing school facilities, and AUSD would continue to provide an adequate level of service to accommodate the Project. Pursuant to SB 50, the Project applicant would be required to pay development fees to AUSD prior to issuance of the Project's building permit. Therefore, with the payment of the applicable school fees, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered schools, or the need for new or physically altered schools, the construction of which could cause significant environmental impacts to maintain acceptable service ratios, or other performance objectives for schools. As such, impacts on schools would be less than significant (Draft EIR, p. 4.12-16).

### **Parks**

In order to address the additional demand on recreational facilities within the City, the proposed Project would be subject to the City's Council Resolution 6602, Park Facilities Impact Fee (Section 9105.15.040 of the City's Development Code), which requires new development projects to pay impact fees, which would support park improvements as well as fund capital costs for new and existing recreational infrastructure. Pursuant to the Park Facilities Impact Fee, the Project applicant would be required to pay its fair share of impact fees based on the fee category and adopted impact fee rates. While the ARCS indicates that new park facilities would be required to meet the City's performance standards, the Project's mitigation fees paid to the City would fairly compensate for the Project's associated increase in demand or use of park facilities. Further, the Project site includes on-site recreational amenities that would provide an alternative to off-site public parks and recreational facilities, allowing Project residents to recreate on the Project site which would help reduce demand on for off-site public parks and recreational facilities. Therefore, with payment of required impact fees as mandated by the City's Development Code, impacts associated with the need for new or expanded park facilities would be less than significant (Draft EIR, pp. 4.12-16 and 4.12-17).



**Other Public Facilities (Libraries)**

The proposed Project is a mixed-use development project that would contribute to the tax revenues for the City, thereby contributing to potential funding sources for library services. The APL indicated that the Project would not result in the need to provide any new library facilities and/or physically altered facilities to maintain performance objectives of the Arcadia Public Library (Appendix I-5). Therefore, impacts to libraries and other public facilities associated with the need for new or expanded facilities would be less than significant (Draft EIR, p. 4.12-17).

**Increase in the Use of an Existing Neighborhood, Regional Park, or Recreational Facility**

Pursuant to Section 9105.15.040 of the City’s Development Code, the Project applicant would be required to pay its fair share of park impact fees based on the fee category and adopted fee rates, currently set at \$3.73 per square foot for multifamily developments. While the ARCSD indicates that new park facilities would be required to meet the City’s performance standards, the Project’s mitigation fees paid to the City would fairly compensate for the Project’s increase in demand or use of park facilities (Appendix I-4). With payment of the required development impact fees related to parks and recreation in combination with provision of on-site recreational facilities, the Project would meet the City’s anticipated demand for neighborhood and regional parks or other recreational facilities. Impacts to neighborhood and regional parks would be less than significant (Draft EIR, p. 4.12-18).

**Inclusion of or Requirement for Construction/Expansion of Recreational Facilities**

The Project would be subject to the City’s Park Facilities Impact Fee, which requires new development projects pay impact fees to support park improvements as well as fund capital costs for other new and existing infrastructures. Pursuant to the City’s Impact Fee, the project applicant would pay its fair share based on the fee category and adopted fee rates, currently set at \$3.73 per square foot. Project implementation would not require the construction or expansion of new recreational facilities in the City to accommodate Project demand, and impacts would be less than significant (Draft EIR, p. 4.12-18).

**Cumulative Effects**

***Fire Protection***

Both the Project and cumulative projects would also be subject to the requirements of the fire code standards. This would be ensured through the plan check process and fire review prior to the issuance of building permits for the Project and cumulative projects. Furthermore, the Project and cumulative projects would coordinate with the Arcadia Fire Department Fire Prevention Division to ensure fire flow requirements are met and any required upgrades to the existing water distribution system are addressed for each individual project. As determined by AFD, existing fire protection facilities are sufficient to meet the proposed Project (Appendix I-1). Based on the above considerations, the Project’s contribution to cumulative impacts to fire protection services would be less than significant (Draft EIR, p. 4.12-19).

***Police Protection***

As with the proposed Project, the applicants of the cumulative projects would be required to incorporate appropriate safety features into the design and construction of their respective projects to minimize the potential for crime and to maximize safety, ultimately minimizing the need for police protection services. In addition, the cumulative projects would contribute to funding police protection services or new facilities through development impact fees.

Based on the above considerations, the Project's contribution to cumulative impacts to police protection services would be less than significant (Draft EIR, p. 4.12-20).

**Schools**

The proposed Project itself, as determined by AUSD would not result in significant impacts on services, necessitating the construction of new or physically altered school facilities (Appendix I-3). While most cumulative projects require discretionary actions, they would incrementally increase the need for school facilities. However, Education Code Section 17620 allows school districts to assess fees on new residential and commercial construction within their respective boundaries. Pursuant to California Government Code Section 65995, the payment of these fees by a developer serves to fully mitigate all potential project impacts on school facilities from implementation of a project to less-than-significant levels. Sections 65996(a) and (b) state that such fees collected by school districts provide full and complete school facilities mitigation under CEQA. Therefore, the Project's increase in the demand for school facilities and services would not be considerable resulting in a less than significant cumulative impact due to the payment of development impact fees (Draft EIR, p. 4.12-20).

**Parks**

As previously discussed, while the Project would increase the demand for local and regional parks, this increase would be modest, and would not result in a significant impact. The Project applicant would be required to pay its fair share of impact fees to ensure the City would be able to maintain an acceptable level of service. Additionally, cumulative projects would be required to demonstrate compliance with CEQA prior to project approval, and existing federal, state, and local regulations related to parks and recreational facilities. Cumulative projects would also be required to pay a Park Facilities Impact Fee to mitigate their contribution to the demand for local and regional parks. Therefore, the Project would not result in a cumulatively considerable contribution to a significant cumulative impact to park facilities and the impact is less than significant (Draft EIR, pp. 4.12-20 and 4.12-21).

**Other Public Facilities (Libraries)**

Future cumulative development would generate new tax revenues and would be subject to the City's development impact fees, which act as funding sources for City libraries. The proposed Project itself, as determined by the APL, would not result in new physical facilities (Appendix I-5). The Project and cumulative projects would be required to fund their fair share of an established fee program designed to alleviate the cumulative impact. These revenues would help offset the increase in demand for library services as a result of the Project. Therefore, the Project's contribution to cumulative impacts to library services would be less than significant (Draft EIR, p. 4.12-21).

**Increase in the Use of an Existing Neighborhood, Regional Park, or Recreational Facility**

Cumulative projects would be required to demonstrate compliance with CEQA prior to Project approval and would also be subject to Park Facilities Impact Fees to offset their contribution to the demand for park facilities. Therefore, cumulative impacts to existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated, would be less than significant and would not be cumulatively considerable (Draft EIR, p. 4.12-21).

**Inclusion of or Requirement for Construction/Expansion of Recreational Facilities**

The Project includes the construction of on-site recreational facilities, which would decrease the Project's impacts on existing local and regional parks. The Project applicant would also be required to pay a Park Facilities Impact

Fee to ensure existing recreational facilities would be able to continue to provide an acceptable level of service. Cumulative projects may have a similar impact, including increasing the demand for existing recreational facilities and the construction of on-site recreational amenities. These cumulative projects, however, would be required to demonstrate compliance with CEQA prior to project approval, and existing federal, state, and local regulations related to parks and recreational facilities. Cumulative projects would also be subject to similar park impact fees, which would allow existing park facilities to continue to provide adequate service. Therefore, cumulative impacts regarding the construction or expansion of recreational facilities would be less than significant and the Project's contribution would not be considerable resulting in a less than significant impact (Draft EIR, pp. 4.12-21 and 4.12-22).

### **Finding**

The City finds that, based upon substantial evidence in the record, the Project would have a less than significant impact on police and fire protection services, parks, schools, and other public facilities as well as impacts related to recreation; therefore, no mitigation is required, and no significant, unavoidable adverse impacts would occur.

## 2.3.16 Transportation

### **Conflict with Circulation System Plan, Ordinance, or Policy**

#### ***RTP/SCS Consistency Analysis***

The Project would facilitate a more balanced jobs-housing profile and once constructed, would continue to support regional economic development. In addition, the Project site's vicinity is served by existing public transit including Metro Routes 179 and 287 and the Metro A Line; Foothill Transit Line 187; and Arcadia Transit's Green and Red Lines. Project development would increase transit accessibility of jobs and services within the Project site's vicinity and would bring residential development to the City's Downtown, which contains a mix of office and commercial development uses, thereby reducing travel demands for people and the resulting VMT. For these reasons, the proposed Project would not conflict with the applicable goals in the RTP/SCS (Draft EIR, p. 4.13-9).

#### ***City of Arcadia General Plan Consistency***

The Project would be consistent with the applicable goals and policies of the City's General Plan. The Project would not hinder the City's ability to provide an efficient roadway system that serves all transportation modes and balances the roadway system with planned land uses. The Project would support City's goals CI-1 through CI-4, and their related policies, to provide an efficient roadway system that supports all transportation modes and balances the roadway system with planned land uses, maximize operational efficiency of the street system, enhances local and regional transit service, and provide connected, balanced, and integrated bicycle and pedestrian networks that provide viable alternatives to use of the car. The Project would provide a connected, balanced, and integrated bicycle and pedestrian network by developing a mixed-use project that promotes pedestrian connectivity and safety with the City's Downtown and includes on-site improvements to facilitate circulation and community cohesion within the existing environment. Specific site improvements are discussed below (Draft EIR, p. 4.13-9).

#### ***Transit, Bicycle, and Pedestrian Facilities***

The proposed Project would support transit, bicycle, and pedestrian circulation throughout the Project site and the surrounding environment and would not conflict with any City plans or policies regarding existing or proposed transit, bicycle, and pedestrian facilities in the study area. The Project would include on-site bicycle parking and enclosed

bicycle storage areas for residents as well as on-site improvements to support pedestrian connectivity with the City's Downtown and nearby Arcadia Metro A Line Station. All pedestrian areas within the Project site would meet American Disability Act (ADA) requirements and adhere to City design guidelines. Bicyclist and pedestrian safety would be maintained at existing levels in the area. Additionally, the Project would not conflict with or result in the change of bus routes in the study area; therefore, the Project would not severely delay, impact, or reduce the service level of transit in the area. Therefore, the Project would not adversely affect, in a manner that conflicts with, an applicable program, plan, ordinance, or policy, addressing the performance of the circulation system, including public transit, roadway, bicycle or pedestrian facilities. Impacts would be less than significant (Draft EIR, p. 4.13-9).

### **Conflict with CEQA Guidelines Section 15064.3 (b)**

CEQA Guidelines Section 15064.3(b) focuses on VMT for determining the significance of transportation impacts. The following VMT analysis is based on the City of Arcadia Transportation Study Guidelines for Vehicle Miles Traveled and Level of Service Assessment (City of Arcadia 2020) and OPR's Technical Advisory on Evaluating Transportation Impacts in CEQA (OPR 2018). As shown in the analysis below, the Project would be screened from a project-level analysis and no impacts due to conflicts or inconsistencies with Section 15064.3(b) are presumed, and impacts would be less than significant.

### ***Screening Criteria***

The City's Guidelines provide three types of VMT screening that can be applied to the proposed Project to screen from a project-level VMT assessment. As shown in Appendix J, the proposed Project is located within a TPA and therefore meets this screening criterion (Draft EIR, p. 4.13-10). The San Gabriel Valley Council of Governments (SGVCOG) screening tool was used to determine whether or not the proposed Project would be located in a low VMT-generating area. The TAZ would be 28.52% below the subarea threshold for VMT per Capita, which would meet the required baseline screening criteria established in the City's guidelines. As such, the proposed Project can be screened out using this criterion (Draft EIR, pp. 4.13-10 and 4.13-11). Therefore, a VMT analysis is not required and impacts to VMT would be less than significant (Draft EIR, p. 4.13-11).

### **Cumulative Effects**

#### ***Plan, Program, Ordinance, or Policy Addressing Circulation***

The proposed Project is consistent with the following plans addressing the circulation system and would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities under cumulative conditions:

- **SCAG 2020-20405 RTP/SCS** – the proposed Project's proximity to existing public transit such as various bus routes and the Metro A Line would increase transit accessibility of jobs and services, support use of transit, and encourage sustainable land use patterns by redeveloping areas near accessible transit.
- **City of Arcadia General Plan** – approval of the proposed Project would ensure the proposed uses for the Project site are consistent with the General Plan.
- **Metro Long Range Transportation Plan** – Los Angeles County voters approved Measure M, a half-cent sales tax increase for transportation, which has allowed Metro to develop projects to improve the existing transportation system. Metro developed the 2020 Long Range Transportation Plan (LRTP), which provides the funding plan and policies to provide a balanced comprehensive approach that considers the mobility needs of everyone in LA County and matches those access needs with Metro's expected resources to

transform the County's transportation future (Metro 2020). Additionally, the 2014 Short Range Transportation Plan (SRTP) identifies projects and programs that will be implemented in accordance with the Project priorities and funding schedules through 2025 (Metro 2014). Metro is in the process of updating the SRTP to advance the 2020 LRTP. It is recognized that with these plans in place, Metro will continue to maintain and expand regional transit service to accommodate cumulative demand in the region. Although the Project (and other related projects) would cumulatively add transit ridership, Metro would continue to maintain and expand regional transit service to accommodate cumulative demand in the region; therefore, cumulative impacts on public transit would be less than significant.

Therefore, cumulative impacts related to a program, plan, ordinance, or policy related to addressing the circulation system would be less than significant.

Impacts related to conflicts with transit, bicycle or pedestrian transportation would be identical to the impacts described in the Project-specific impacts section; therefore, they are not repeated in the cumulative impacts evaluation. The Project would not make a cumulatively considerable contribution to transit, bicycle or pedestrian access; therefore, all impacts would be less than significant (Draft EIR, pp. 4.13-14 and 4.13-15).

#### **CEQA Guidelines Section 15064.3(b)**

The Project is located within a low VMT generating area and would be screened from a project-level VMT analysis. Therefore, a cumulative analysis is also not required (Draft EIR, p. 4.13-15).

#### **Finding**

The City finds that, based upon substantial evidence in the record, the Project would have a less than significant impact on transportation as it relates to conflict with circulation system plan, ordinance, or policy; conflict with CEQA Guidelines Section 15064.3 (b); and cumulative impacts. Therefore, no mitigation is required, and no significant, unavoidable adverse impacts would occur.

### 2.3.17 Tribal Cultural Resources

#### **Change in a State listed or Eligible Tribal Cultural Resource**

Two Native American tribes (the Gabrieleño Band of Mission Indians – Kizh Nation [Kizh Nation] and the Gabrielino Tongva Tribe) requested to be notified of AB-52-eligible projects under the City's jurisdiction. Consultation with the Kizh Nation occurred on January 31, 2023 and has been concluded. Visual observation of the current conditions within the proposed Project site indicate that all areas have been disturbed as a result of urban development. Neither the CHRIS records search nor the pedestrian survey was able to identify any archaeological resources within the Project site. However, the Kizh Nation provided tribal archival documentation to the City that demonstrates the cultural sensitivity of the area to the Tribe. Consultation under SB 18 did not identify any specific, known TCRs within the Project site. MM-CUL-1 has been provided to ensure that potential impacts related to inadvertent discovery of archaeological resources would be less than significant. In the event of a discovery of human remains on the Project site during construction activities, the MLD would be assigned by the NAHC through the mandated process under Public Resources Code (PRC) section 5097.98 and other regulatory conditions. Additional mitigation measures have been incorporated to ensure anticipatory measures are taken in the event that unknown TCRs are inadvertently encountered during Project construction-related earthwork activities. These mitigation measures are outlined in MM-TCR-1 through MM-TCR-3 intended to be implemented in concert with MM-CUL-1 from Section 4.3,

Cultural Resources, of this Draft EIR. Therefore, with implementation of MM-TCR-1 through MM-TCR-3, the impact regarding a potential substantial adverse change in the significance of a TCR would be less than significant with mitigation (Draft EIR, pp. 4.14-11 and 4.14-12).

### **Finding**

The City finds that, based upon substantial evidence in the record, the Project would have a less than significant impact on tribal cultural resources as it relates to impacts to any listed resource or a resource eligible for listing. Therefore, no mitigation is required, and no significant, unavoidable adverse impacts would occur.

## 2.3.18 Utilities and Service Systems

### **Require or Result in the Relocation or Construction of New or Expanded Water, Wastewater Treatment, Stormwater Drainage, Electric Power, Natural Gas, or Telecommunications Facilities**

#### ***Water Conveyance***

The Project's proposed water infrastructure would include new water meters at the Project site building and new lateral pipeline connections from the proposed building to the existing 12-inch water main pipeline in Gateway Drive to provide domestic water, fire water and irrigation water to the Project site.. Possible connections may be required to water mains in Huntington Dr. for additional fire hydrants as required for the project. The construction of new lateral pipeline connections beneath Gateway Drive would be accommodated within the construction assumptions included in the construction-related impact analyses throughout this Draft EIR and no new or more significant impacts would occur. Impacts would be less than significant, and no mitigation is required (Draft EIR, pp. 4.15-20 and 4.15-21).

#### ***Stormwater Drainage***

The Project would incorporate low impact development features, including drywells and a settling chamber, which would contribute a reduction in stormwater runoff under Project conditions. As the Project would not substantially modify the existing on-site drainage patterns, would incorporate low impact development features, and would be required to comply with applicable regulatory requirements, the Project would not contribute a substantial amount of new stormwater runoff relative to existing conditions. Thus, the Project would not require the construction or expansion of off-site stormwater drainage facilities. Therefore, impacts would be less than significant, and no mitigation measures are required (Draft EIR, p. 4.15-21 and 4.15-22).

#### ***Dry Utilities***

SoCalGas currently provides natural gas to the Project site via local distribution lines and laterals on and adjacent to the Project site. These lines would be adequate to provide gas service to the Project. No off-site improvements for natural gas infrastructure are anticipated with the implementation Project.

SCE currently provides electricity to the existing uses on the Project site and vicinity. Both underground and overhead electrical distribution lines are present within the City streets and yard easements, and high-voltage transmission lines exist along the I-605 freeway (City of Arcadia 2010). In compliance with the City's General Plan, all utilities in the Downtown area must be placed underground. There are existing telephone, telecommunication, and cable television lines and facilities throughout the City. Cable and telecommunication services for the Project

site are available from private providers such as AT&T, Spectrum, EarthLink, and Frontier (HSI 2022). No off-site improvements for electric power or telecommunications infrastructure are anticipated with the implementation of the Project.

If unanticipated upgrades were to be required for electrical, natural gas, or telecommunications services, they would be limited the lateral connections to the Project site and not any centralized facilities. Any unforeseen upgrades would be coordinated with appropriate service providers to minimize disruptions on service and would be completed by either trenchless technology or open trenching to the depth of the underground utilities. Additionally, the Project would be required to comply with all regulatory requirements outlined within this Draft EIR for the purposes of mitigating impacts associated with construction activities. No adverse physical effects beyond those already disclosed in this Draft EIR would occur as a result of implementation of the Project's proposed utility system connections. Therefore, impacts to dry utilities would be less than significant (Draft EIR, p. 4.15-22).

### **Sufficient Water Supplies**

The Project's anticipated water demand of 57.6 AFY can be accommodated within the UWMP's anticipated water supply between 2020 and 2025 for Multi-family land uses of 85 AF as well as the combined Multi-family and Commercial land uses of 184 AF. When considering that the Project's 57.6 AFY of water demand was not necessarily anticipated within the UWMP's projections of 184 AF, the 57.6 AFY must be accommodated within the growth projections for other projects that were not developed. The Project's potable water demand can still be accounted for within the City's demand projections due to the planned growth in residential units that has not been realized or approved between 2017 and 2022. Therefore, the City would have sufficient water supplies available to serve the Project, as demonstrated through the City's UWMP water demand projections. The proposed Project would adhere to the water conservation methods established in Title 24 of the California Building Code. The Project would also adhere to the City's Water Conservation Plan and Water Efficient Landscaping Ordinance, per Article VII, Chapter 5, Part 5, Division 3 and 4 of the City's Municipal Code. Additionally, the proposed Project would be subject to a development impact/connection fee, which would serve as the Project's fair share contribution to water infrastructure improvements in the City. For the reasons detailed above, the proposed Project would have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years. Impacts would be less than significant, and no mitigation is required (Draft EIR, pp. 4.15-22 through 4.15-25).

### **Adequate Capacity for Wastewater Treatment**

According to the Districts, the wastewater generated by the proposed Project would be treated at the San Jose Creek Water Reclamation Plant (SJCWRP) located adjacent to the City of Industry, which has a capacity of 100 MGD and currently processes an average flow of 62.7 MGD (Districts 2022). The remaining capacity at SJCWRP is approximately 37.3 MGD, or approximately 37 percent of its total capacity. The existing uses on the Project site generate an average flow of 9,012 GPD (Appendix L-1). Implementation of the Project would increase the wastewater flows from the Project site by 50,938 GPD, and increase in wastewater generation represents approximately 0.14 percent of the remaining capacity of the SJCWRP.

Based on the capacity of the SJWRP, the wastewater generated by the proposed Project would be nominal of capacity. As such, the proposed Project would not exceed current capacities of the wastewater treatment system and would not significantly impact existing wastewater treatment systems such that new facilities would be required. Finally, water conservation measures as established at the local and state level would be implemented and would help reduce the amount of wastewater generated by the Project.

All expansions of Districts' facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast as set forth in the applicable RTP/SCS. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG. As such, the Districts would provide service and wastewater treatment up to the levels that within the legally permitted capacity and any proposed expansion of the Districts' facilities (Districts 2022). The Project is within the growth assumptions set forth in the applicable RTP/SCS. Therefore, impacts related to wastewater treatment would be less than significant (Draft EIR, pp. 4.15-25 and 4.15-26).

## **Generation of Solid Waste**

### ***Construction***

Per Section 5.408, Construction Waste Reduction, Disposal and Recycling, of CALGreen, 65 percent of construction and demolition waste generated by the project must be diverted from landfills. CALGreen requirements for 65 percent waste diversion, which would require the Project applicant/developer to either submit a construction waste management plan to the City that identifies the construction and demolition waste materials to be diverted from the landfills or use a waste management company that can provide verifiable documentation that the percentage of construction and demolition waste material diverted from the landfill meets CALGreen's 65 percent diversion requirement. The remaining 35 percent of construction and demolition material that is not required to be recycled would either be disposed of in a regional landfill or voluntarily recycled at a solid waste facility with available capacity. Inert landfills and debris facilities in the County have available capacity to receive construction and demolition debris generated by the Project. The Azusa Land Reclamation Co. landfill has an estimated total remaining capacity of 64.64 million tons (County of Los Angeles 2021). Other available inert debris facilities together an estimated remaining daily disposal capacity of approximately 16,157 tons per day (County of Los Angeles 2021). Due to (1) required compliance with CALGreen and the City's Municipal Code regulations applicable to garbage, refuse and recycling (i.e., Article V, Chapter 1) and (2) the available capacity of local inert landfills and debris facilities, Project construction and demolition would not generate waste in excess of standards or in excess of the capacity of local infrastructure and would not otherwise impair the attainment of solid waste reduction goals. Thus, Project related construction impacts would be less than significant and no mitigation is required (Draft EIR, pp. 4.15-26 and 4.15-27).

### ***Operation***

Based on the CalEEMod solid waste generation rates, the Project would generate approximately 218.3 tons of solid waste per year or approximately 0.60 tons per day, after consideration of net reduction from existing land uses (i.e., The Derby Restaurant) (Appendix C-1 of the Draft EIR). The remaining daily capacity of local solid waste disposal facilities is 17,107 tons per day (County of Los Angeles 2021). Therefore, the Project's operational solid waste generation would account for 0.003 percent of the total remaining available daily disposal capacity, which is not a substantial share of the existing remaining daily capacity and would not be in excess of capacity of local infrastructure capacity (i.e., existing solid waste disposal facilities listed in Table 4.15-2) (County of Los Angeles 2021; Appendix C-1).<sup>11</sup> Existing facilities in Kern, Orange, Riverside, San Bernardino, and Ventura Counties are also currently accepting waste from County municipalities, such as the City (County of Los Angeles 2021). As such, other landfills in the region would also be able to accommodate solid waste from the proposed Project, and regional

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<sup>11</sup> To calculate the percent of available capacity, the daily estimated tonnage of operational solid waste generated by the Project (approximately 0.47 tons per day, calculated using CalEEMod default rates provided in Appendix C-1 of this Draft EIR) was divided by the existing daily remain capacity of the in-County solid waste disposal facilities available to the Project (17,107 tons per day, as shown in Table 4.14-1i in Section 4.15.1.2, utility Infrastructure, above) to arrive at approximately .0003 percent of existing daily disposal capacity.



planning efforts would ensure continued landfill capacity into the foreseeable future. For the reasons described above, Project operations would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Therefore, operational impacts would be less than significant, and no mitigation is required (Draft EIR, p. 4.15-27).

### **Solid Waste Statutes and Regulations**

The Project would be required to comply with all applicable local and state regulations related to solid waste. The state has set a goal of 75 percent recycling, composting, and source reduction of solid waste. To help reach this goal, the state has adopted AB 341 and AB 1826. AB 341 is a mandatory commercial recycling bill, and AB 1826 is mandatory organics recycling. Compliance with applicable federal, state, and local laws is required for issuance of a solid waste facility permit, which is subject to review every five years. Additionally, the City is required to comply with the solid waste reduction and diversion requirements set forth by the state, including AB 939, AB 341, AB 1327, and AB 1826. Any hazardous wastes that are generated during construction activities would be managed and disposed of in compliance with all applicable federal, state, and local laws. For the reasons discussed above, the Project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Impacts would be less than significant, and no mitigation is required (Draft EIR, pp. 4.15-27 and 4.15-28).

### **Cumulative Effects**

#### ***Require or Result in the Relocation or Construction of New or Expanded Water, Wastewater Treatment, Stormwater Drainage, Electric Power, Natural Gas, or Telecommunications Facilities***

The Project would generate additional demands for water, electricity, natural gas, and communications services, which would incrementally increase demands for the facilities that provide these services. However, the Project would not significantly affect existing services such that new facilities would be required to provide these services to the Project site. Therefore, the Project's incremental contribution to impacts related to water, electricity, natural gas, and communications services infrastructure would not be cumulatively considerable (Draft EIR, p. 4.15-28).

### ***Sufficient Water Supplies***

The City (through the current UWMP) anticipates its projected water supplies will meet demand through the year 2045. In terms of the City's overall water supply condition, any cumulative project that is consistent with the City's General Plan has been taken into account in the planned growth of the water system. Further, the proposed Project's increase in water demand, which is anticipated to be more than what was anticipated through the UWMP, can be accounted for in the City's supplies due to the fact that previous multi-family residential development has not been developed or approved at the rate that was assumed within the UWMP projections. There are adequate water supplies to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years. For projects that meet the requirements established pursuant to SB 610, SB 221, and Sections 10910–10915 of the State Water Code, a Water Supply Assessment demonstrating sufficient water availability is required on a project-by-project basis. Similar to the Project, each cumulative project would be required to comply with City and State Water Code and conservation programs for water supply to account for the cumulative demand for water. As a result, no significant cumulative water supply impacts are anticipated from development of the Project and cumulative projects, and the Project's incremental contribution to water demands would not be cumulatively considerable (Draft EIR, p. 4.15-29).

***Adequate Capacity for Wastewater Treatment***

The Project area and each cumulative project would incrementally increase the amount of wastewater that is being generated in the area. Wastewater generated by the proposed Project would be treated at the San Jose Creek Water Reclamation Plant (SJCWRP). Implementation of the Project would increase the wastewater flows from the Project site by 50,938 GPD, and increase in wastewater generation represents approximately 0.13 percent of the remaining capacity of the SJCWRP. Based on the capacity of the SJCWRP, the wastewater generated by the proposed Project would be nominal of capacity. As cumulative increases in wastewater treatment demand within the service area require facility upgrades, the City would continue to regulate public sewer facilities in as outlined in the 2014 City of Arcadia Sewer System Management Plan, and any affected treatment plants would continue to assess potential expansions to their treatment facilities in accordance with regulatory permit requirements. As such, the Project's incremental contribution to impacts to wastewater services would not be cumulatively considerable (Draft EIR, p. 4.15-29).

***Generation of Solid Waste***

Development of the Project in combination with cumulative projects would increase land-use intensities in the area, resulting in increased solid waste generation in the service area for Azusa landfill. However, due to the built-out nature of the City, the Project and cumulative projects are considered urban infill and/or redevelopment projects. As such, solid waste is already being generated at the Project site and the majority, if not all, of the cumulative project sites within the City. Further, AB 939, or the Integrated Waste Management Act of 1989, mandates that cities divert from landfills 50 percent of the total solid waste generated to recycling facilities. In order to satisfy CALGreen requirements of diverting 65 percent of solid waste and to offset impacts associated with solid waste, the proposed Project and all cumulative projects would be required to implement waste reduction, diversion, and recycling during both demolition/ construction and operation. Through compliance with City and state solid waste diversion requirements, together with the City's Source Reduction and Recycling Element and applicable regulations outlined in Article V, Chapter 1, of the City's Municipal Code, the Project's incremental contribution to impacts to solid waste services would not be cumulatively considerable (Draft EIR, pp. 4.15-29 and 4.15-30).

***Solid Waste Statutes and Regulations***

The Project and all cumulative projects would be required to comply with all applicable local and state regulations related to solid waste, including the mandatory recycling set forth in AB 341 and AB 1826. Compliance with applicable federal, state, and local laws is required for issuance of a solid waste facility permit, which is subject to review every five years. Additionally, the City is required to comply with the solid waste reduction and diversion requirements set forth by the state, including AB 939, AB 341, AB 1327, and AB 1826. All businesses and residents at the Project site would be subject to recycling and diversion requirements. In addition, waste diversion and reduction during Project construction and operations would be completed in accordance with CALGreen standards. The private waste haulers contracted by the City, including Republic Services, Waste Management Inc., and Valley Vista Services, are all required to adhere to AB 341 as well as City Municipal Code waste management reporting requirements to help track compliance with applicable solid waste diversion targets (Arcadia Municipal Code Section 5130.2). Therefore, the Project's incremental contribution to impacts to compliance with solid waste regulations would not be cumulatively considerable (Draft EIR, p. 4.15-30).

**Finding**

The City finds that, based upon substantial evidence in the record, the Project would have a less than significant impact on utility and service systems; therefore, no mitigation is required.

## 2.3.19 Wildfire

According to the California Department of Forestry and Fire Protection's Fire Hazard Severity Zone maps and the City General Plan Safety Element, the Project site is not within a Fire Hazard Severity Zones (CAL FIRE 2021; City of Arcadia 2010a). Due to the urban setting of the Project site, the potential for wildland fire hazards in the immediate Project vicinity are extremely limited, however, portions of the City approximately 0.85 miles north of the Project Site are within a Very High Fire Hazard Severity Zone (VHFHSZ). The proposed Project would result in an increase in permanent residents in the Downtown Core, which could potentially have an impact on City wide evacuation routes. The proposed Project is located along Huntington Drive, which is a designated disaster route by the Los Angeles Department of Public Works (LADPW 2012). Additionally, the nearby I-210 (running east-west through the City) and I-605 (running along the City's southeastern corner) are other designated disaster routes in the City (LADPW 2012). The Project, however, would not result in any short- or long-term alterations to Huntington Drive, nor would it introduce a substantial number of new permanent residents that would significantly impact Huntington Drive's ability to serve as a disaster evacuation route. Further, as identified by CAL FIRE, all of the incorporated Fire Hazard Severity Zones within and adjacent to the City are north of the I-210, as are the main arterial roadways that would likely be utilized by residents of these zones in the event of a wildfire evacuation (CAL FIRE 2022). The Proposed project area is located to the south of the I-210 and to the far west of I-605. As such, potential residents of the proposed Project would likely not access the designated area-wide evacuation routes via the same arterial roadways as the northern residents living in and around the VHFHSZs and/or other Low, Moderate/High/Fire Hazard Severity Zones. As such, the Project would not exacerbate or expose people or structures to wildfire risks or substantially impair an adopted emergency response plan (Draft EIR, pp. 5-12 and 5-13).

### Finding

Appendix A of the Notice of Preparation for the Project found no potential for significant impacts to wildfire; therefore, wildfire was not addressed in the Draft EIR. No mitigation would be required and no significant, unavoidable adverse impacts would occur.

# 3 Findings on Project Alternatives

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CEQA requires that an EIR describe a range of reasonable alternatives to the project, or to the location of the project, that could feasibly attain the basic objectives of the project, and to evaluate the comparative merits of the alternatives (14 CCR 15126.6[a]). The CEQA Guidelines direct that the selection of alternatives be governed by “a rule of reason” (14 CCR 15126.6[a], [f]). As defined by the CEQA Guidelines, “The range of alternatives required in an EIR is governed by a ‘rule of reason’ that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR needs to examine in detail only the ones that the Lead Agency determines could feasibly attain most of the basic objectives of the project” (14 CCR 15126.6[f]).

Additionally, CEQA Guidelines section 15091(a)(3) requires findings to be made as to why project alternatives were rejected. While an alternative may be potentially feasible under Guidelines section 15126.6 for inclusion in an EIR, the ultimate determination of feasibility is to be made by the decision-making body under section 15091(a)(3). As stated above, alternatives may be rejected when specific economic, legal, social, technological or other considerations make the Project infeasible. In making these findings, the City Council finds that there are seven objectives for the Project, which are primarily dependent upon developing an under-utilized site within Downtown Arcadia. However, the primary objectives of the Project are (1) addressing the regional housing shortage by providing additional housing opportunities that support the City’s Regional Housing Needs Allocation (RHNA) requirements; and (2) developing an under-utilized property within a Transit Priority Area.

## 3.1 Alternatives Carried Forward for Consideration

This section discusses a reasonable range of alternatives to the Project, including a no project alternative, in compliance with CEQA Guidelines Section 15126.6(e). These alternatives include the following:

- Alternative A: No Project/Existing Development
- Alternative B: Reduced Commercial
- Alternative C: Reduced Commercial (The Derby)/No H7 Special Height Overlay

These alternatives are evaluated for their ability to avoid or substantially lessen the impacts of the Project identified in the EIR, as well as consideration of their ability to meet the basic objectives of the proposed Project as described in the Final EIR.

### 3.1.1 Alternative A - No Project/No Development

Section 15126.6(e) of the CEQA Guidelines requires that an EIR evaluate and analyze the impacts of a no project alternative. The “purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed Project with the impacts of not approving the proposed Project” (14 CCR 15126.6[e][1]). When defining the no project alternative, the analysis shall be informed by “what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services” (14 CCR 15126.6[e][2]).

**Description**

As stated in Section 15126.6(e)(3)(A), when a project is the revision of an existing land use or regulatory plan or policy or an ongoing operation, the no project alternative will be the continuation of the plan, policy, or operation into the future. Accordingly, Alternative A assumes the proposed Project would not proceed, no new permanent development or land uses would be introduced within the Project site, and the existing environment would be maintained. The existing uses would operate with the existing infrastructure in place. The existing commercial uses (i.e., The Derby restaurant), would remain in place and be operational, the existing surface parking lots would be retained, and no new buildings or subterranean parking would be constructed. It can also be assumed that the existing commercial building that was previously occupied by the Souplantation restaurant would be re-occupied by a similar type use, as the facility is currently vacant but could be leased to a new tenant. It cannot be known at this time whether the existing restaurant buildings would be reoccupied in their current form or would be redeveloped based on economic circumstances; however, for the purposes of this Alternative A, no site improvements are assumed (Draft EIR, p. 6-6).

**Analysis**

Under this alternative, impacts would generally be reduced. However, impacts related to land use and planning would be slightly greater than under the proposed Project. Further, the No Project/No Development Alternative would not provide additional housing units that could help meet the City’s RHNA goals and growth projections. Also, due to the underutilization of the site, the No Project/No Development Alternative would not contribute to a reduction in citywide VMT and associated GHG emissions attributed to increased development in a Transit Priority Area (Draft EIR, pp. 6-8 through 6-13).

**Finding**

For the reasons stated below, and each of them independently of the others, the City finds that Alternative A - No Project Alternative is not feasible, and rejects this alternative. The No Project/No Development fails to satisfy most the Project’s objectives, and because specific economic, legal, social, technological or other considerations make the alternative infeasible.

**Rationale**

No Project/No Development would have fewer impacts compared to the Project in terms of aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality (short-term impacts), noise, public services, recreation, transportation, tribal cultural resources, and utilities and service systems. The No Project/No Development Alternative would not achieve the Project objectives, with the exception of partially satisfying Objective No. 4, , which assumes existing land uses and surface parking would remain and the views of the surface parking lots from Huntington Drive is not expansive or overbearing; and Objective No. 6, which assumes existing land uses associated with The Derby restaurant would remain and new commercial (i.e. restaurant) uses would be provided within Souplantation building. No new housing would be proposed, thus, the Project would not help meet the City’s RHNA requirements.

## 3.1.2 Alternative B - Reduced Commercial

### Description

As presented in prior sections of this Draft EIR, the Project would not result in significant and unavoidable impacts after implementation of all mitigation measures. Therefore, Alternative B considers an alternative design that would incrementally reduce the environmental impacts of the proposed Project for which mitigation is required by reducing the amount of commercial space and replacing the level one commercial area with 4,700 square feet of amenity space for the residential uses. Under Alternative B, the 3,300 square-foot restaurant space and 1,400 square-foot café space would be replaced by additional residential amenity space. Under Alternative B, The Derby restaurant would be the only commercial use on the Project site.

Alternative B would generate residents associated with 214 units and employment associated with the modernized The Derby restaurant. Under Alternative B, no change would occur to the number of units and total residents (i.e., 608); however, this alternative would result in fewer anticipated employees as a result of the conversion of the 3,300 square-foot restaurant and 1,400 square-foot café to amenity spaces. As such, Alternative B is estimated to result in approximately 73 employees (20 net new employees), as opposed to the Project's 87 employees (34 net new employees), representing a reduction of 14 employees. This reduction represents an approximately 16.1 percent decrease in anticipated total employees and an approximately 41.2 percent decrease in net new employees when compared to the proposed Project (Draft EIR, p. 6-13).<sup>12</sup>

### Analysis

Most impacts under Alternative B would be the same as the Project and would require all of the mitigation measures identified for the Project. However, the following impacts would be slightly reduced under this alternative: long-term air quality impacts; long-term energy impacts; long-term greenhouse gas emissions impacts; long-term noise impacts; public services and recreation impacts; and long-term transportation impacts. Additionally, under Alternative B, impacts related to utilities and service systems would be reduced (Draft EIR, pp. 6-15 through 6-19).

### Finding

For the reasons stated below, and each of them independently of the others, the City finds that Alternative B is not feasible, and rejects that alternative. Alternative B satisfies a majority of the Project Objectives. However, this alternative partially satisfies Objective No. 6 under a reduced project alternative. Alternative B is rejected because specific economic, legal, social, technological or other considerations make the alternative infeasible.

### Rationale

While the Alternative B would achieve a majority of the Project objectives, Objective No. 6 would be partially satisfied. Alternative B would result in a mixed-use, high-density, urban development that would be supported by temporary employment opportunities during construction. Due to the reduced commercial space, Alternative B would generate 14 fewer employees compared to the project. However, long-term employment would still be generated under Alternative B through operation of The Derby restaurant, the residential leasing office, and

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<sup>12</sup>  $(87 - 73) / 87 = 0.161 \times 100 = 16.1$  percent;  $(34 - 20) / 34 = 0.412 \times 100 = 41.2$  percent

valet/parking areas. . Further, Alternative B would not result in a reduction of a significant environmental impact. Neither the Project nor Alternative B would result in a significant and unavoidable environmental impact.

### 3.1.2 Alternative C - Reduced Commercial (The Derby)/No H7 Special Height Overlay

#### Description

As presented in prior sections of this Draft EIR, the Project would not result in significant and unavoidable impacts after implementation of all mitigation measures. Therefore, Alternative C considers an alternative design that would incrementally reduce the environmental impacts of the proposed Project for which mitigation is required and would potentially improve the Project's consistency with the City's zoning designation. Alternative C would eliminate approximately 8,850 square feet of commercial space. Due to the overall reduction in commercial space, Alternative C would no longer provide a larger, modernized space for The Derby restaurant, which would be demolished to accommodate a new five-story mixed-use building. Additionally, Alternative C would not include an H7 Special Height Overlay, thereby reducing the Project's maximum height from 71 feet to 60 feet.

As stated in Section 4.9, Land Use and Planning of the Draft EIR, the Project site's current C-G zoning designation sets a maximum allowable building height of 40 feet and does not allow for residential use. The Project would include a Zone Change to DMU and an H7 Special Height Overlay. An overlay zone, such as a height overlay, supplements the base zoning provisions for the purpose of establishing specific development regulations for a particular site or area. Under the DMU zone, the maximum allowable building height is 60 feet. The H7 Special Height Overlay would increase the maximum allowable building height on the Project site to 75 feet, thus allowing for the Project's six-story mixed-use building to be proposed with a maximum height of 71 feet. Alternative C would not include the H7 Special Height Overlay and the additional height allowed, thereby reducing the Project's maximum height from 71 feet to 60 feet, which would be consistent with limits set forth under the DMU zone change request.<sup>13</sup> Alternative C would not result in reduced dwelling units due to an alternative building design that eliminates the setback on Levels Two through Five, thus allowing for "replacement" units to be constructed.

Under Alternative C, the 9,177 square-foot commercial space associated with The Derby restaurant on Level One would be reduced and divided into two 2,000 square-foot commercial spaces. The remaining square footage associated with The Derby restaurant would be converted to additional commercial parking (approximately 5,177 square feet). On Level Two, there would be no building setback, and the 2,950 square-foot exterior space for The Derby along with an approximately 723 square-foot interior space would be converted into 10 dwelling units. The vertical exterior space on Levels Three through Five would also be enclosed and built out, allowing for construction of eight additional units per level, for a total of 34 additional units.<sup>14</sup> The five two-story dwelling units on Level Five would also be reduced to one story. Therefore, although Level Six would be eliminated (resulting in the elimination of 34 units) the total unit count for the building would remain 214.

The elimination of 8,850 square feet of commercial space under Alternative C (initially intended to support an expanded The Derby restaurant) would result in an approximately 50 percent reduction in overall commercial space compared to the Project. Although The Derby restaurant would no longer be operational, commercial uses on the Project site would generate employment associated with two 2,000 foot commercial spaces, the 1,400 square foot café space, the 3,300

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<sup>13</sup> According to Table 2-11 within Section 9102.05.030, Development Standards in Downtown Zones, the DMU zone has a base density of 80 dwelling units per acre and a maximum height of 60 feet.

<sup>14</sup> Level 2 (10 units) + Level 3 (8 units) + Level 4 (8 units) + Level 5 (8 units) = 34 units

square foot restaurant space, valet operations, and leasing office for a total of 30 employees. This represents a net reduction of 57 employees (or approximately 66 percent) under this alternative compared to the proposed Project (Draft EIR, p. 6-20).

**Analysis**

For the reasons stated below, and each of them independently of the others, the City finds that Alternative C is not feasible, and rejects that alternative. Alternative C would result in similar or reduced impacts. Under this alternative, the following would result in reduced impacts: aesthetics, long-term air quality, long-term energy, long-term greenhouse gas emissions, land use and planning, long-term population and housing, public services and recreation, long-term transportation, and utilities and service systems. Additionally, Alternative C would result in slightly reduced impacts related to long-term noise. Alternative C is rejected because specific economic, legal, social, technological or other considerations make the alternative infeasible (Draft EIR, pp. 6-22 through 6-27).

**Finding**

For the reasons stated below, and each of them independently of the others, the City finds that Alternative C is not feasible, and rejects that alternative. While Alternative C satisfies a majority of the Project Objectives. However, this alternative partially satisfies Objective No. 6 and would not satisfy Objective No. 7. Alternative C is rejected because specific economic, legal, social, technological or other considerations make the alternative infeasible.

**Rationale**

While the Alternative C would achieve a majority of the Project objectives, Objective No. 6 would be partially satisfied. Alternative C would result in a mixed-use, high-density, urban development that would be supported by temporary employment opportunities during construction. Due to the reduced commercial space, Alternative C would generate fewer employees compared to the project. However, long-term employment would still be generated under Alternative C through operation of the commercial spaces, the residential leasing office, and valet/parking areas. Additionally, this alternative would not satisfy Objective No. 7. Alternative C would result in a mixed-use, high-density, urban development that would be supported by temporary employment opportunities during construction. Due to the reduced commercial space, Alternative C would generate fewer employees compared to the project. However, long-term employment would still be generated under Alternative C through operation of the commercial spaces, the residential leasing office, and valet/parking areas. Neither the Project nor Alternative C would result in a significant and unavoidable environmental impact.

### 3.2.2 Environmentally Superior Alternative

An EIR must identify an “environmentally superior” alternative; and, where the no project alternative is environmentally superior, the EIR is then required to identify an alternative from among the others evaluated as environmentally superior (14 CCR 15126.6[e][2]).

Alternative A would result in reduced impacts to all environmental topics in the short-term because construction activity would not occur. Alternative A would therefore eliminate all mitigation requirements for short-term construction activity. Similarly, Alternative A would result in reduced environmental impacts to most environmental topics in the long-term because no operational changes would occur. However, increased environmental impacts would occur for the following topics: (1) Hydrology/water quality, due to the continued operation of the site that does not currently contain low-impact development features; (2) Population and Housing, due to the lack of



additional housing units that could help meet the City’s RHNA goals and growth projections; and (3) Land Use and Planning, as neither Alternative A would facilitate the City’s stated goals, policies, and objectives related to zoning and land-use in Downtown Arcadia. The proposed Project would redevelop existing commercial uses and surface parking lot to construct a mix of land uses including residential and commercial, within a TPA and the established Downtown Arcadia focus area, which would help the City to achieve its goals and policies related to land use, circulation, economic development, and housing, which would not occur under Alternative A. Nevertheless, the elimination of all construction and operational impacts associated with the proposed Project would result in an environmentally superior alternative when compared to the proposed Project, Alternative B, and/or Alternative C.

As required under CEQA Guidelines Section 15126.6(e)(2), if the environmentally superior alternative is the “no project” alternative, the EIR must also identify an environmentally superior alternative among the other alternatives. The proposed Project has no significant unavoidable impacts that could be addressed by the adoption of any alternative. Both Alternatives B and C would have similar environmental impacts when compared to the proposed Project for almost all environmental topics and would not eliminate the need for any proposed mitigation measures. However, Alternative C would result in reduced impacts associated with aesthetics, air quality, energy, GHG emissions, noise, population and housing, public services and recreation, transportation, and utilities and service systems. Therefore, Alternative C would reduce more overall impacts when compared to the Project and Alternative B; therefore, Alternative C would be considered the environmentally superior alternative (Draft EIR, pp. 6-29 and 6-30).

# 4 General CEQA Findings

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Based on the information contained in the administrative record and based on the facts stated below, the City makes the Findings set forth in Sections 4.1 and 4.2.

1. The plans for the proposed Project have been prepared and analyzed so as to provide for public involvement in the planning and the CEQA processes.
2. To the degree that any impacts described in the Draft EIR are perceived to have a significant effect on the environment, or such impacts appear ambiguous as to their effect on the environment, any significant effect of such impacts has been substantially lessened or avoided by the mitigation measures set forth in the Draft and Final EIR.
3. Comments regarding the Draft EIR received during the public review period have been adequately addressed in Chapter 2, Responses to Comments Received, in the Final EIR. Any significant effects described in such comments were avoided or substantially lessened by the mitigation measures described in the Draft and Final EIR.

## 4.1 Findings Regarding Recirculation

The City finds that the Draft EIR does not require recirculation under CEQA (CEQA Section 21092.1, CEQA Guidelines Section 15088.5). CEQA Guidelines Section 15088.5 requires recirculation of an EIR prior to certification of the Final EIR when “significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review.” As described in CEQA Guidelines Section 15088.5:

New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation includes, for example, a disclosure showing that:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it;
4. The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

In addition, CEQA Guidelines Section 15088.5(b) provides that “recirculation is not required where the new information added to the EIR merely clarifies and amplifies or makes insignificant modifications in an adequate EIR.” Recirculation also is not required simply because new information is added to the EIR — indeed, new information is oftentimes added given CEQA’s public/agency comment and response process and CEQA’s post-Draft EIR circulation requirement of proposed responses to comments submitted by public agencies. In short,

recirculation is “intended to be an exception rather than the general rule.” (*Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1132.)

As such, the City makes the following Findings:

1. None of the public comments submitted to the City regarding the Draft EIR present any significant new information that would require the Draft EIR to be recirculated for public review.
2. No new or modified mitigation measures are proposed that would have the potential to create new significant environmental impacts.
3. The Draft EIR adequately analyzed project alternatives and there are no feasible project alternatives or mitigation measures considerably different from others previously analyzed that would clearly lessen the significant environmental impacts of the project.
4. The Draft EIR was not fundamentally and basically inadequate and conclusory in nature and did not preclude meaningful public review and comment.

In this legal context, the City finds that recirculation of the Draft EIR prior to certification is not required. In addition to providing responses to comments, the Final EIR includes revisions to expand upon information presented in the Draft EIR (Chapter 3, Changes to the EIR); explain or enhance the evidentiary basis for the Draft EIR’s findings; update information; and to make clarifications, amplifications, updates, or helpful revisions to the Draft EIR. These revisions, clarifications and/or updates do not result in any new significant impacts or increase the severity of a previously identified significant impact. These changes are not substantial, do not deprive the public of a meaningful opportunity to comment on a substantial adverse environmental effect, a feasible way to mitigate or avoid such an effect or a feasible project alternative.

In summary, the Final EIR demonstrates that the proposed Project would not result in any new significant impacts or increase the severity of a significant impact, as compared to the analysis presented in the Draft EIR. The changes reflected in the Final EIR also do not indicate that meaningful public review of the Draft EIR was precluded in the first instance. Accordingly, recirculation of the EIR is not required as revisions to the EIR are not significant as defined in Section 15088.5 of the CEQA Guidelines.

## 4.2 Legal Effects of Findings

To the extent that these Findings conclude that the proposed mitigation measures outlined herein are feasible and have not been modified, superseded, or withdrawn, the City hereby commits to implementing these measures. These Findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City approves the proposed Project.

The mitigation measures that are referenced herein and adopted concurrently with these Findings will be effectuated through the process of construction and implementation of the proposed Project.

# 5 Conclusion

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The mitigation measures listed in conjunction with each of the findings set forth above, as implemented through the MMRP, will eliminate or reduce to a less-than-significant level most of the adverse environmental impacts of the Project.

Taken together, the EIR which consists of the Draft EIR, Final EIR, and the MMRP provide an adequate basis for approval of the Project.

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**EXHIBIT “B”**  
**MITIGATION MONITORING AND REPORTING**  
**PROGRAM**

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## 4 Mitigation Monitoring and Reporting Program

California Public Resources Code Section 21081.6 requires that, upon certification of an environmental impact report (EIR), “the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.”

This chapter contains the mitigation monitoring and reporting program (MMRP) that has been developed for The Derby Mixed-Use Project (Project). This MMRP has been developed in compliance with Public Resources Code Section 21081.6 and Section 15097 of the State CEQA Guidelines. The mitigation measures in the table are coded by alphanumeric identification consistent with the EIR. The following items are identified for each mitigation measure (MM):

- **Mitigation Monitoring.** This section of the MMRP lists the stage of the proposed Project during which the mitigation measure would be implemented and the stage during which proper implementation would be monitored and verified. It also lists the agency that is responsible for ensuring that the mitigation measure is implemented and that it is implemented properly.
- **Verification of Compliance.** This section of the MMRP provides a location for the implementing party and/or enforcing agency to make notes and to record their initials and the compliance date for each mitigation measure.

The City of Arcadia (City) must adopt this MMRP, or an equally effective program, if it approves the proposed Project with the mitigation measures that were adopted or made conditions of Project approval.

**Table 4-1. Mitigation Monitoring and Reporting Program**

Mitigation Measure	Mitigation Monitoring		
	Implementation Timing	Party Responsible for Implementation	Agency Responsible for Monitoring Implementation
<b>Cultural Resources</b>			
<p><b>MM-CUL-1.</b> Prior to commencement of construction activities, an inadvertent discovery clause, written by an archaeologist, shall be added to all construction plans associated with ground disturbing activities and the Project Applicant shall retain a qualified archaeologist, meeting the Secretary of the Interior’s Professional Qualification Standards for Archaeology, to prepare a Worker Environmental Awareness Program (WEAP). The WEAP shall be submitted to the City of Arcadia Development Services Department (City) for review and approval. All construction personnel and monitors shall be presented the WEAP training prior to the start of construction activities. The WEAP shall be prepared to inform all personnel working on the Project about the archaeological sensitivity of the area, to provide specific details on the kinds of archaeological materials that may be identified during construction, to explain the importance of and legal basis for the protection of significant archaeological resources, and to outline the actions to be taken in the event of a discovery of cultural resources. Each worker shall also learn the proper procedures to follow in the event that cultural resources or human remains are uncovered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate contact of the site supervisor and archaeological monitor.</p> <p>The WEAP shall require that a qualified archaeologist be retained and on-call to respond to and address any inadvertent discoveries identified during initial excavation in native soils, which underly the 2-4 feet below ground surface of artificial fill soils. As it pertains to archaeological monitoring, this definition excludes movement of sediments after they have been initially disturbed or displaced by project-related construction.</p>	<p>Prior to commencement of construction activities; During construction activities</p>	<p>Project Applicant/Developer; Project qualified archaeologist for preparation of a Worker Environmental Awareness Program (WEAP)</p>	<p>City of Arcadia Planning and Building Divisions</p>

**Table 4-1. Mitigation Monitoring and Reporting Program**

Mitigation Measure	Mitigation Monitoring		
	Implementation Timing	Party Responsible for Implementation	Agency Responsible for Monitoring Implementation
<p>If potential archaeological resources (i.e., sites, features, or artifacts) are exposed during construction activities for the Project, the City shall be notified and all construction work occurring within 50 feet of the find shall immediately stop until a qualified archaeologist can evaluate the significance of the find and determine whether or not additional study is warranted. The archaeologist shall be empowered to temporarily stop or redirect grading activities to allow removal of abundant or large artifacts. Depending upon the significance of the find under the California Environmental Quality Act (CEQA) (14 CCR 15064.5[f]; PRC, Section 21082), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan and data recovery, may be warranted. The archaeologist shall also be required to curate any discovered specimens in a repository with permanent retrievable storage and submit a written report to the City of Arcadia for review and approval prior to occupancy of the first building on the site. Once approved, the final report shall be filed with the South-Central Coastal Information Center (SCCIC).</p>			
<b>Geology and Soils</b>			
<p><b>MM-GEO-1.</b> In the event that paleontological resources (e.g., fossils) are exposed during construction activities for the Project, all construction work occurring within 50 feet of the find shall immediately stop until a Qualified Paleontologist meeting Society of Vertebrate Paleontology (SVP 2010) standards can evaluate the significance of the find and determine whether or not additional study is warranted. If the discovery is clearly not significant, the paleontologist may document the find and allow work to continue. If significant paleontological resources are discovered during earthmoving activities, the qualified paleontologist shall prepare and submit a Paleontological Resources Recovery Plan (PRRP) to the City</p>	<p>Prior to any grading activity; During grading activities</p>	<p>Project Applicant/Developer; Project paleontologist for preparation of a Paleontological Resources Impact Mitigation Program (PRIMP) and preconstruction meeting</p>	<p>City of Arcadia Planning and Building Divisions</p>

**Table 4-1. Mitigation Monitoring and Reporting Program**

Mitigation Measure	Mitigation Monitoring		
	Implementation Timing	Party Responsible for Implementation	Agency Responsible for Monitoring Implementation
for review and approval. The recovery plan shall include, but is not limited to, sampling and fossil recovery procedures, museum curation for any scientifically significant specimen recovered, and a report of findings. Recommendations in the PRRP as approved by the City shall be implemented before construction activities can resume at the site where the significant paleontological resources were discovered. Any reports and plans resulting from implementation of this measure shall be submitted to City Planning Division and filed with the Natural History Museum of Los Angeles County.			
<b>Hazards and Hazardous Materials</b>			
<b>MM-HAZ-1. Hazardous Building Materials Survey.</b> Prior to the issuance of a demolition permit for any existing on-site structures, a qualified environmental specialist shall conduct a survey for asbestos-containing materials, lead-based paint, polychlorinated biphenyls, mercury, and other hazardous building materials, such as universal wastes and refrigerants, to document the presence of any potentially hazardous materials within the structures. If survey results are positive, all potentially hazardous materials identified as part of this survey shall be handled and disposed in accordance with the federal and state hazardous waste and universal waste regulations. Demolition plans and contract specifications shall incorporate any necessary abatement measures in compliance with the findings of the hazardous building materials survey and federal, state, and local regulations, including those of the U.S. Environmental Protection Agency (which regulates disposal), Occupational Safety and Health Administration, California Occupational Safety and Health Administration (which regulates employee exposure), the South Coast Air Quality Management District, and the Metallic Discards Act of 1991 (Public Resources Code, Section 42160 et seq.), particularly Public Resources Code, Section 42175, Materials Requiring Special Handling, for the removal of mercury switches, PCB-containing	Prior to the issuance of a demolition permit	Project Applicant/Developer	City of Arcadia Planning and Building Divisions

**Table 4-1. Mitigation Monitoring and Reporting Program**

Mitigation Measure	Mitigation Monitoring		
	Implementation Timing	Party Responsible for Implementation	Agency Responsible for Monitoring Implementation
ballasts, and refrigerants. Upon completion of construction activities, proof of proper handling and disposal shall be provided to the City's Public Works Services Department.			
<b>MM-HAZ-2. Contaminated Soil Management.</b> Prior to the issuance of a grading permit, the Project Applicant/Developer shall retain a qualified environmental professional to prepare a soil management plan (SMP) that outlines the proper screening, handling, characterization, transportation, and disposal procedures for contaminated soils on site based on the findings of the site-specific conditions, geophysical surveys, and Phase I and II Environmental Site Assessments, and shall identify any areas of known or suspected soil contamination. The SMP shall be provided to the City Development Services Department for review prior to any site grading. The Project's contractor shall ensure implementation of the SMP through the contract specifications for all confirmed and suspected contaminated soils which require excavation and offsite disposal. The SMP shall include health and safety and training procedures for construction workers who may come into contact with contaminated soils. The health and safety procedures shall include periodic breathing zone monitoring for volatile organic compounds (VOCs) using a handheld organic vapor analyzer and include required actions to be taken if concentrations of VOCs exceed applicable screening levels for health and safety of onsite workers and the public. The SMP shall also include instructions for the identification of potentially-impacted soils, procedures for temporary cessation of construction activity and evaluation of the level of environmental concern if potentially-impacted soils or underground storage tanks are encountered, procedures for characterizing and managing potentially-impacted soils, and follow-up procedures such as disposal and reporting, as necessary. Contaminated soil shall be managed and disposed of in accordance with applicable federal, state, and	Prior to the issuance of a grading permit; During construction activities	Project Applicant/Developer; Project Contractor for preparation of a Soil Management Plan (SMP)	City of Arcadia Planning and Building Divisions



**Table 4-1. Mitigation Monitoring and Reporting Program**

Mitigation Measure	Mitigation Monitoring		
	Implementation Timing	Party Responsible for Implementation	Agency Responsible for Monitoring Implementation
local regulations. Upon completion of construction activities, proof of compliance with the SMP shall be provided to the City’s Development Services Department.			
<b>Noise</b>			
<p><b>MM-NOI-1.</b> Prior to the issuance of a demolition permit, the Project Applicant/Developer shall ensure that the following measures are included in the construction contractor’s contract specifications and that the following measures are implemented and monitored for compliance throughout construction:</p> <ul style="list-style-type: none"> <li>▪ All construction equipment must have supplier-approved sound muffling devices (e.g., engine air intake or exhaust treatment) installed and used in compliance with relevant industry standards and Cal/OSHA regulations pertaining to construction noise, which shall be properly maintained and used at all times such equipment is in operation.</li> <li>▪ The construction contractor shall place stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the Project site, including the hotels located adjacent to the northern and northwestern boundaries of the Project site.</li> <li>▪ The construction contractor shall locate on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the Project site during the construction period.</li> <li>▪ All noise producing construction activities, including warming-up or servicing equipment and any preparation for construction, shall be limited to the hours between 7:00 a.m. and 6:00 p.m. on weekdays.</li> </ul> <p>An eight (8) foot tall temporary noise barrier shall be erected or installed along an extent of the northern Project site property line</p>	Prior to the issuance of a demolition permit; During demolition and construction activities	Project Applicant/Developer	City of Arcadia Planning and Building Divisions

**Table 4-1. Mitigation Monitoring and Reporting Program**

Mitigation Measure	Mitigation Monitoring		
	Implementation Timing	Party Responsible for Implementation	Agency Responsible for Monitoring Implementation
where it is adjacent to the nearest noise-sensitive receptor. The barrier can comprise one or more materials of construction and/or assembly, so long as the net sound transmission class (STC) is 15 or better, and thus expected to yield a minimum of 5 dB noise reduction when blocking direct sound paths between onsite Project construction noise-producing activities or equipment and the offsite receptor of concern. The horizontal extent of the installed barrier should be compatible with Caltrans or other industry guidance with respect to minimizing flanking effects around the ends of the barrier, based on both the offsite receptor position and the onsite position or zone of construction activity.			
<b>Transportation</b>			
<b>MM-TRA-1.</b> Prior to the issuance of a grading permit, the Project Applicant/Developer shall coordinate with the City Engineer to prepare engineering plans that remove and reconfigure the raised median on E. Huntington Drive to extend the eastbound left-turn pocket to at least 75 feet. Plans shall be prepared and implemented to the satisfaction of the City's Public Works Director. The reconfigured median on E. Huntington Drive shall be completed and operational prior to the issuance of a certificate of occupancy for The Derby restaurant.	Prior to issuance of a grading permit	Project Applicant/Developer	City of Arcadia Planning, Building, and Engineering Divisions; City of Arcadia Public Works Services Department
<b>MM TRA 2.</b> Prior to the issuance of a building permit, the Project Applicant/Developer shall prepare a Parking Signage Plan to clearly identify ingress/egress and circulation for residents and commercial visitors. The Parking Signage Plan shall require that adequate signage be installed within the commercial section of the parking structure directing personal vehicles to use the Gateway Drive egress to exit the Project site, and to prohibit egress through the courtyard to E. Huntington Drive, in order to avoid conflicts with valet operations	Prior to issuance of a building permit	Project Applicant/Developer	City of Arcadia Planning, Building, and Engineering Divisions

**Table 4-1. Mitigation Monitoring and Reporting Program**

Mitigation Measure	Mitigation Monitoring		
	Implementation Timing	Party Responsible for Implementation	Agency Responsible for Monitoring Implementation
<p><b>MM-TRA-3.</b> Prior to the issuance of demolition or grading permits, the Project Applicant/Developer shall develop and implement a City-approved Construction Traffic Control Plan. The Plan shall be prepared in accordance with applicable City guidelines and shall address the potential for construction-related vehicular traffic, as well as pedestrian and bicycle circulation disruption in the public right-of-way. The Plan shall describe safe detours and shall include protocols for implementing the following: temporary traffic controls (e.g., a flag person during heavy truck traffic for soil export) to maintain smooth pedestrian and traffic flow; dedicated on-site turn lanes for construction trucks and equipment leaving the site; scheduling of peak construction truck traffic that affects traffic flow on the arterial system to off-peak hours; consolidation of truck deliveries; and/or rerouting of construction trucks away from congested streets or sensitive receptors.</p>	<p>Prior to issuance of demolition or grading permits</p>	<p>Project Applicant/Developer</p>	<p>City of Arcadia Planning, and Engineering Divisions</p>
<p><b>Tribal Cultural Resources</b></p>			
<p><b>MM-TCR-1.</b> <i>Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities.</i> The Project Applicant/Lead Agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject Project at all Project locations (i.e., both on-site and any off-site locations that are included in the Project description/definition and/or required in connection with the Project, such as public improvement work). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.</p> <p>A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any</p>	<p>Prior to the commencement of any “ground-disturbing activity” for the subject Project at all Project locations, or prior to issuance of any permit necessary to commence a ground-disturbing activity; During ground-disturbing activities</p>	<p>Project Applicant/Developer or City of Arcadia; Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation</p>	<p>City of Arcadia Planning Division; Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation</p>

**Table 4-1. Mitigation Monitoring and Reporting Program**

Mitigation Measure	Mitigation Monitoring		
	Implementation Timing	Party Responsible for Implementation	Agency Responsible for Monitoring Implementation
<p>ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.</p> <p>The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the Project Applicant/lead agency upon written request to the Tribe.</p> <p>On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the Project Applicant/Lead Agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the Project site or in connection with the Project are complete; or (2) a determination and written notification by the Kizh to the Project Applicant/lead agency that no future, planned construction activity and/or development/construction phase at the Project site possesses the potential to impact Kizh TCRs.</p> <p>Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's</p>			

**Table 4-1. Mitigation Monitoring and Reporting Program**

Mitigation Measure	Mitigation Monitoring		
	Implementation Timing	Party Responsible for Implementation	Agency Responsible for Monitoring Implementation
sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.			
<p><b>MM-TCR-2. Unanticipated Discovery of Human Remains and Associated Funerary Object.</b> 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 Public Resources Code Section 5097.98, are also to be treated according to this statute.</p> <p>If Native American human remains and/or grave goods discovered or recognized on the Project site, then all construction activities shall immediately cease. Health and Safety Code Section 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and all ground-disturbing activities shall immediately halt and shall remain 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 they are Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.</p> <p>Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).</p> <p>Construction activities may resume in other parts of the Project site at a minimum of 200 feet away from discovered human remains and/or burial goods, if the Kizh determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the Project manager express consent of that determination (along with any other mitigation measures the Kizh monitor and/or</p>	During ground-disturbing activities	Project Applicant/Developer	County of Los Angeles Department of Medical Examiner-Coroner; California Native American Heritage Commission; City of Arcadia Development Services Department

**Table 4-1. Mitigation Monitoring and Reporting Program**

Mitigation Measure	Mitigation Monitoring		
	Implementation Timing	Party Responsible for Implementation	Agency Responsible for Monitoring Implementation
<p>archaeologist deems necessary). (CEQA Guidelines Section 15064.5(f).)</p> <p>Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. Any historic archaeological material that is not Native American in origin (non-TCR) 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, it shall be offered to a local school or historical society in the area for educational purposes.</p> <p>Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.</p>			
<p><b>MM-TCR-3. Procedures for Burials and Funerary Remains.</b> If it is determined, through compliance with Public Resources Code section 5097.98 and other applicable regulatory requirements that the Gabrieleño Band of Mission Indians – Kizh Nation is the Most Likely Descendant (MLD), the following shall be implemented:</p> <ul style="list-style-type: none"> <li>▪ As the MLD, the Koo-nas-gna Burial Policy 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 preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains.</li> <li>▪ If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.</li> </ul>	During ground-disturbing activities	Project Applicant/Developer	Gabrieleño Band of Mission Indians - Kizh Nation; City of Arcadia Development Services Department

**Table 4-1. Mitigation Monitoring and Reporting Program**

Mitigation Measure	Mitigation Monitoring		
	Implementation Timing	Party Responsible for Implementation	Agency Responsible for Monitoring Implementation
<ul style="list-style-type: none"> <li>▪ The prepared soil and cremation soils 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. Cremations will either be removed in bulk or by means as necessary to ensure complete recovery of all sacred materials.</li> <li>▪ 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.</li> <li>▪ In the event preservation in place is not possible despite good faith efforts by the Project Applicant/Developer and/or Landowner, before ground-disturbing activities may resume on the Project site, the Landowner shall arrange a designated site location within the footprint of the Project for the respectful reburial of the human remains and/or ceremonial objects.</li> </ul>			

**Table 4-1. Mitigation Monitoring and Reporting Program**

Mitigation Measure	Mitigation Monitoring		
	Implementation Timing	Party Responsible for Implementation	Agency Responsible for Monitoring Implementation
<ul style="list-style-type: none"> <li>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.</li> </ul> <p>The Tribe will work closely with the Project’s qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does not authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains</p>			
<b>Utilities and Service Systems</b>			
<p><b>MM-UTL-1. Sewer Upgrade Fair Share Payment.</b> Prior to issuance of a Certificate of Occupancy permit for the Project, the Applicant/Property Owner shall make a fair share contribution of 9 percent of the Fifth Avenue sewer upgrade project cost, not to exceed \$108,000, to the City to help fund upgrading of the sewer line in Fifth Avenue. The Fifth Avenue Sewer Upgrade Project will be included in the City’s 2024-25 Capital Improvement Plan budget and the work will be completed by the City’s Public Works Services Department by the end of the 2024-25 Fiscal Year. This measure shall be</p>	Prior to issuance of a Certificate of Occupancy permit	Project Applicant/Developer	City of Arcadia Planning, Building, and Engineering Divisions; City of Arcadia Public Works Services Department



**Table 4-1. Mitigation Monitoring and Reporting Program**

Mitigation Measure	Mitigation Monitoring		
	Implementation Timing	Party Responsible for Implementation	Agency Responsible for Monitoring Implementation
implemented to the satisfaction of the City Engineer and/or the City Public Works Services Department as appropriate			

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# Table of Contents

<b>SECTION</b>	<b>PAGE NO.</b>
4 Mitigation Monitoring and Reporting Program.....	1

## **FIGURES**

**NO TABLE OF FIGURES ENTRIES FOUND.**

## **TABLES**

Table 4-1. Mitigation Monitoring and Reporting Program.....	2
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**THIS TABLE OF CONTENTS IS FOR CONSTRUCTION ONLY AND  
WILL NOT BE INCLUDED IN THIS SECTION PDF.  
INSTEAD THE CUMULATIVE TOC WILL APPEAR AS ITS OWN SECTION.**

# Attachment No. 2

Resolution No. 7531

RESOLUTION NO. 7531

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT NO. GPA 22-02 TO AMEND THE GENERAL PLAN LAND USE DESIGNATION FOR THE PROPERTIES AT 233 & 301 E. HUNTINGTON DRIVE FROM “COMMERCIAL” TO “DOWNTOWN MIXED USE,” AND REVISE THE GENERAL PLAN LAND USE MAP TO REFLECT THE CHANGES

WHEREAS, local governments are authorized by Government Code Section 65350, et seq, to prepare, adopt and amend General Plans; and

WHEREAS, the Arcadia Municipal Code Section 9108.03 provides that the adoption or amendment of any General Plan within the City shall be accomplished by resolution; and

WHEREAS, on April 15, 2022, applications were filed with the City of Arcadia (“City”) for General Plan Amendment No. GPA 22-01, Zone Change No. ZC 22-01, Minor Use Permit No. MUP 22-02, Architectural Design Review No. ADR 22-06, along with a Lot Line Adjustment (filed on August 11, 2022), to construct “The Derby Mixed-Use Project” a new mixed-use development at 233 & 301 East Huntington Drive. The project includes a density bonus and will result in a six-story mixed-use building containing 214 residential units, including 9 affordable units (collectively, the “Project”); and

WHEREAS, a Final Environmental Impact Report (“EIR”) has been prepared by the City for the Project. This Final EIR has been prepared in conformance with the California Environmental Quality Act of 1970 (“CEQA”) statutes (Cal. Pub. Res. Code, Section 21000 et. seq., as amended) and implementing guidelines (Cal. Code Regs., Title 14, Section 15000 et. seq.); and

WHEREAS, in accordance with the CEQA Guidelines, a Notice of Preparation (“NOP”) was circulated for a 30-day public review starting on October 14, 2022, to public agencies, organizations, and interested individuals; and

WHEREAS, on October 26, 2022, an in-person scoping meeting was held. The purpose of this meeting was to seek input from public agencies and the general public regarding the potential environmental impacts of the proposed Project. The City received no comments/questions with environmental concerns during the scoping meeting, but eight (8) individuals requested to be placed on a mailing list for further information; and

WHEREAS, a Draft EIR was made available for public review and comment pursuant to CEQA Guidelines Section 15087. The 45-day public review period for the Draft EIR started on August 4, 2023, and ended on September 19, 2023. At the beginning of the public review period, an electronic copy of the Draft EIR and an electronic copy of the Notice of Completion (“NOC”) and Notice of Availability (“NOA”) were submitted to the State Clearinghouse and Los Angeles Records Office. The 45-day public review period provided interested public agencies, groups, and individuals the opportunity to comment on the contents of the Draft EIR. A total of three agency, organization, and individual comment letters were received and are included in Chapter 2, Responses to Comments, of this Final EIR; and

WHEREAS, the Final EIR addresses the comments received during the public review period and includes minor changes to the text of the Draft EIR in accordance with comments; and

WHEREAS, pursuant to CEQA Guidelines Section 15091, the City Council shall make findings for each of the significant effects identified in the EIR and shall support the findings with substantial evidence in the record. After considering the Final EIR in conjunction with making findings under Section 15091, the City may decide whether or how to approve or carry out the Project. When a lead agency approves a project that will result in the occurrence of significant effects that are identified in the Final EIR but are not avoided or substantially lessened, the agency is required by CEQA to state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. Because the Project would not result in significant and unavoidable impacts, a “statement of overriding considerations” is not required to be prepared. The Final EIR identified potentially significant effects that could result from the Project but can be mitigated through mitigation measures; and

WHEREAS, on November 28, 2023, a duly noticed public hearing was held before the Planning Commission on said Project, at which time all interested persons were given full opportunity to be heard and to present evidence; and

WHEREAS, the Planning Commission voted 5-0, to approve Planning Commission Resolution No. 2134 recommending approval of General Plan Amendment No. 22-01 to the City Council; and,

WHEREAS, on December 19, 2023, a duly noticed public hearing was held before the City Council on said project, at which time all interested persons were given full opportunity to be heard and present evidence.

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

SECTION 1. That the factual data submitted by the Development Services Department in the Staff Report dated December 19, 2023, is true and correct.

SECTION 2. That the City Council finds that based upon the entire record, including all written and oral evidence presented, pursuant to the Arcadia Development Code, all of the following findings can be made.

1. The amendment is internally consistent with all other provisions of the General Plan.

FACT: The proposed Amendment is internally consistent with the other provisions of the General Plan. The Project proposed to change the General Plan Land Use Designation from Commercial to Downtown Mixed Use. The expansion of the Downtown Mixed-Use designation onto the Project site allows for development of a mixed-use project in furtherance of the goals and polices found in the Land Use & Community Design Element that promotes new infill and redevelopment of projects and developments that support transit and other alternative forms of transportation, and, most importantly, the Housing Element that provide suitable sites for housing development to accommodate a range of housing for residential use that meet the City's State-mandated Regional Housing and Needs Assessment ("RHNA") growth needs for all income levels. The City's Housing Element requires that the City meet the State-mandated Regional Housing Needs Allocation. Mixed-use development in what was formerly commercial areas is an effective and beneficial way to do so. The City is currently planning a major General Plan update that would change this very property, in addition to all surrounding properties, to Downtown Mixed Use. This proposal is simply arriving before such larger effort of the City. The proposed change will allow the



property owner to merge two properties into one parcel to accommodate a larger mixed-use project that is more appropriate for this site. The revised Project continues to implement the General Plan's policies and goals for an orderly development that is supported by public infrastructure and services. The proposed development meets all applicable development standards, including not exceeding the height that is allowed through the Height Overlay of H7 (75 feet in height).

2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

FACT: The proposed Amendment is consistent with a City-sponsored amendment that is currently in process that will modify this area to Downtown Mixed Use. To review the specific impacts of this proposed Project, however, an Environmental Impact Report was submitted that analyzed all the potential impacts, and the anticipated impacts from the amended project are less than significant or can be reduced to less than significant levels with the implementation of mitigation measures. Therefore, the General Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare. Further, the mixed-use project will provide a superior development to this site and add to the vitality of the area.

SECTION 3. That for the foregoing reasons, the City Council approves General Plan Amendment No. GPA 22-01 to amend the General Plan land use designation for the properties at 233 & 301 E. Huntington Drive from "Commercial" to "Downtown Mixed Use," and revise the General Plan Land Use Map to reflect the changes as shown in Exhibit "A". This approval is a part of the entitlements that were approved under City

Council Ordinance No. 2398 and City Council Resolution Nos. 7530 and 7532 related to the Derby Mixed Use Development.

SECTION 4. The City Clerk shall certify as to the adoption of this Resolution.

[SIGNATURES ON THE NEXT PAGE]

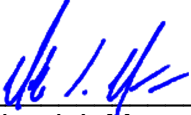
Passed, approved and adopted this 19th day of December, 2023.

\_\_\_\_\_  
Mayor of the City of Arcadia

ATTEST:

\_\_\_\_\_  
City Clerk

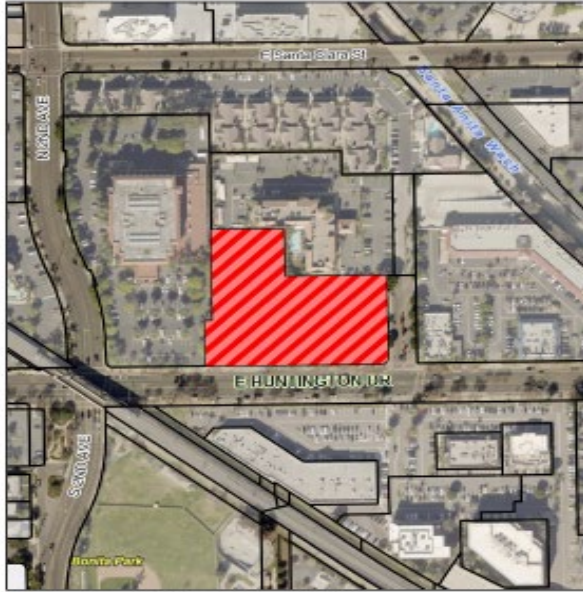
APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael J. Maurer  
City Attorney

# Exhibit "A"

## General Plan Land Use Designation Downtown Mixed Use

Proposed General Plan Land Use

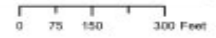


 Downtown Mixed Use (80 du/ac & 1.0 FAR)

Existing General Plan Land Use



 Commercial (0.5 FAR)



# Attachment No. 3

Resolution No. 7532

RESOLUTION NO. 7532

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, APPROVING MINOR USE PERMIT NO. MUP 22-02, ARCHITECTURAL DESIGN REVIEW NO. ADR 22-06, A DENSITY BONUS, AND A LOT LINE ADJUSTMENT ALONG WITH AN ENVIRONMENTAL IMPACT REPORT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”) FOR THE “DERBY MIXED-USE DEVELOPMENT” LOCATED AT 233 & 301 E. HUNTINGTON DRIVE

WHEREAS, on April 15, 2022, applications were filed with the City of Arcadia (“City”) for General Plan Amendment No. GPA 22-01, Zone Change No. ZC 22-01, Minor Use Permit No. MUP 22-02, Architectural Design Review No. ADR 22-06, along with a Lot Line Adjustment (filed on August 11, 2022), to construct “The Derby Mixed-Use Project” a new mixed-use development at 233 & 301 East Huntington Drive. The project includes a density bonus and will result in a six-story mixed-use building containing 214 residential units, including nine (9) affordable units (collectively, the “Project”); and

WHEREAS, a Final Environmental Impact Report (“EIR”) has been prepared by the City for the Project. This Final EIR has been prepared in conformance with the California Environmental Quality Act of 1970 (“CEQA”) statutes (Cal. Pub. Res. Code, Section 21000 et. seq., as amended) and implementing guidelines (Cal. Code Regs., Title 14, Section 15000 et. seq.); and

WHEREAS, in accordance with the CEQA Guidelines, a Notice of Preparation (“NOP”) was circulated for a 30-day public review starting on October 14, 2022, to public agencies, organizations, and interested individuals; and

WHEREAS, on October 26, 2022, an in-person scoping meeting was held. The purpose of this meeting was to seek input from public agencies and the general public regarding the potential environmental impacts of the proposed Project. The City received

no comments/questions with environmental concerns during the scoping meeting but eight (8) individuals requested to be placed on a mailing list for further information; and

WHEREAS, a Draft EIR was made available for public review and comment pursuant to CEQA Guidelines Section 15087. The 45-day public review period for the Draft EIR started on August 4, 2023, and ended on September 19, 2023. At the beginning of the public review period, an electronic copy of the Draft EIR and an electronic copy of the Notice of Completion (“NOC”) and Notice of Availability (“NOA”) were submitted to the State Clearinghouse and Los Angeles Recorders Office. The 45-day public review period provided interested public agencies, groups, and individuals the opportunity to comment on the contents of the Draft EIR. A total of three agency, organization, and individual comment letters were received and are included in Chapter 2, Responses to Comments, of this Final EIR; and

WHEREAS, the Final EIR addresses the comments received during the public review period and includes minor changes to the text of the Draft EIR in accordance with comments; and

WHEREAS, pursuant to CEQA Guidelines Section 15091, the City Council shall make findings for each of the significant effects identified in the EIR and shall support the findings with substantial evidence in the record. After considering the Final EIR in conjunction with making findings under Section 15091, the City may decide whether or how to approve or carry out the Project. When a lead agency approves a project that will result in the occurrence of significant effects that are identified in the Final EIR but are not avoided or substantially lessened, the agency is required by CEQA to state in writing the specific reasons to support its action based on the Final EIR and/or other information in

the record. Because the Project would not result in significant and unavoidable impacts, a “statement of overriding considerations” is not required to be prepared. The Final EIR identified potentially significant effects that could result from the Project but can be mitigated through mitigation measures; and

WHEREAS, on May 10, 2022, a duly noticed public hearing was held before the Planning Commission on said applications, at which time all interested persons were given full opportunity to be heard and to present evidence; and

WHEREAS, the Planning Commission reviewed the Final Environmental Impact Report (SCH #2022100298) consisting of the Draft EIR and responses to comments and errata have been prepared pursuant to California Environmental Quality Act (CEQA; Public Resources Code Section 21000 et seq.) and recommended with a 5-0 vote that the City Council adopt the CEQA findings of fact and the mitigation monitoring and reporting program, and certify the Final EIR for the Alexan Arcadia Mixed-Use Development, and approve the Project with conditions and mitigation measures; and

WHEREAS, on December 19, 2023, a duly noticed public hearing was held before the City Council on said applications, at which time all interested persons were given a full opportunity to be heard and to present evidence.

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

SECTION 1. The factual data submitted by the Development Services Department in the staff report dated December 19, 2023, are true and correct.

SECTION 2. This City Council finds that based upon the entire record, pursuant to the Arcadia Development Code all the following findings can be made.



## General Plan Amendment

1. The amendment is internally consistent with all other provisions of the General Plan.

FACT: The proposed Amendment is internally consistent with the other provisions of the General Plan. The Project proposed to change the General Plan Land Use Designation from “Commercial” to “Downtown Mixed Use.” The expansion of the Downtown Mixed-Use designation onto the Project site allows for development of a mixed-use project in furtherance of the goals and policies found in the Land Use & Community Design Element that promotes new infill and redevelopment of projects and developments that support transit and other alternative forms of transportation, and, most importantly, the Housing Element that provide suitable sites for housing development to accommodate a range of housing for residential use that meet the City’s State-mandated Regional Housing and Needs Assessment (“RHNA”) growth needs for all income levels. The City’s Housing Element requires that the City meet the State-mandated Regional Housing Needs Allocation. Mixed-use development in what was formerly commercial areas is an effective and beneficial way to do so. The City is planning a major General Plan update that would change this very property, in addition to all surrounding properties, to Downtown Mixed Use. This proposal is simply arriving before such larger effort of the City. The proposed change will allow the property owner to merge two properties into one parcel to accommodate a larger mixed-use project that is more appropriate for this site. The revised Project continues to implement the General Plan’s policies and goals for an orderly development that is supported by public infrastructure and services. The proposed development meets all applicable

development standards, including not exceeding the height that is allowed through the Height Overlay of H7 (75 feet in height).

2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

FACT: The proposed Amendment is consistent with a City-sponsored amendment that is currently in process that will modify this area to Downtown Mixed Use. To review the specific impacts of this proposed project, however, an Environmental Impact Report was submitted that analyzed all the potential impacts, and the anticipated impacts from the amended project are less than significant or can be reduced to less than significant levels with the implementation of mitigation measures. Therefore, the General Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare. Further, the mixed-use project will provide a superior development to this site and add to the vitality of the area.

#### Zone Change

1. The proposed amendment is in conformance with the goals, policies, and objectives of the General Plan.

FACT: The proposed Zone Change for the Project is in conformance with the goals, policies and objectives of the General Plan. The Zone Change proposed to change the current General Commercial Zoning to Downtown Mixed Use, which allows residential development on the site in an urban, mixed-use format. The change in zoning to Downtown Mixed-Use allows for development of a mixed-use project in furtherance of the goals and polices found in the Land Use & Community Design Element, the Economic Development Element, the Circulation and Infrastructure Element and, most

importantly, the Housing Element of the General Plan. The City's Housing Element requires that the City meet the State-mandated Regional Housing Needs Allocation. Mixed-use development in what was formerly commercial areas is an effective and beneficial way to do so. The City is planning a major Zoning Map update that would change the zoning of this very property, in addition to all surrounding properties, to Downtown Mixed Use. This proposal is simply arriving before the City's larger effort. The proposed change will allow the property owner to merge two properties into one parcel to accommodate a larger mixed-use project that is more appropriate for this site. The revised Project continues to implement the General Plan's policies and goals for an orderly development that is supported by public infrastructure and services. The proposed development meets all applicable development standards, including not exceeding the height that is allowed through the Height Overlay of H7 (75 feet in height).

2. The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated land uses/developments.

FACT: When joined together through the associated lot line adjustment, the resulting property is 2.23 acres in size. As such, the site is physically suitable for the proposed Project in terms of land use, height, access and egress, parking, and the provision of utilities. There are no physical constraints, and the proposed use and development is compatible with adjoining land uses in that this area will add more commercial uses, including a larger restaurant on the ground floor and add vitality to this part of the commercial corridor. The Environmental Impact Report submitted along with the Project reviewed all of the site logistics and utility provision challenges inherent

in the area. Through mitigations and conditions approval, there are no deficiencies, and the site is suitable for the change in zoning.

3. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

FACT: The proposed Zone Change is consistent with a City-sponsored zoning change that is currently in development that will modify this area to Downtown Mixed Use. To review the specific impacts of this proposed Project, however, an Environmental Impact Report was submitted that analyzed all the potential impacts, and the anticipated impacts from the Project are less than significant or can be reduced to less than significant levels with the implementation of mitigation measures to traffic, noise, air quality, geology, hazards, and utilities and service systems. Therefore, the Zone Change would not be detrimental to the public interest, health, safety, convenience, or general welfare of adjacent uses in the vicinity and of this property. Further, the mixed-use project will provide a superior development to this site and add to the vitality of the area.

#### Minor Use Permits

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

FACT: Approval of the proposed mixed-use project would be consistent with the new General Plan Land Use Designation of Downtown Mixed Use, along with a permitted density bonus. The base density and commercial floor area allowed is 80 units per acre and a commercial floor area ratio of 1.0. With the permitted 20% density bonus, up to 96 dwelling units an acre are allowed. The Project proposes a density of 9 dwelling units per acre and a commercial FAR of 0.18, meeting the land use designation and zoning

for the site. This land use designation allows mixed-use developments and strongly encourages a pedestrian-oriented environment with a complementary mix of commercial and residential uses. The residential units will provide vitality and an urban effect to the area, and the proposed restaurants will help generate increased activity along Huntington Drive and will continue to convey a commercial appearance along the street. Valet parking and outdoor dining are expected and encouraged in such a setting. Therefore, the proposed mixed-use development will not adversely affect the comprehensive General Plan and is consistent with the following General Plan goals and policies:

#### Land Use and Community Design Element

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

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

FACT: The subject site will be zoned Downtown Mixed Use (“DMU”), which allows for mixed-use developments subject to the approval of a Minor Use Permit (“MUP”). The

proposed Project complies with all the development standards of the DMU Zone, including but not limited to setbacks, height, open space, density, parking, The Project provides the requisite number of low or very low-income units to qualify for a density bonus AND relaxation of parking requirements per density bonus law under SB 1818. As such, the Project meets the Municipal Code requirements as well as State law.

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

FACT: The subject site is 2.33 acres in size and is located in the Downtown Mixed Use (“DMU”) Zone. The site is surrounded by commercial uses consisting of the Hampton Inn and Embassy Suites hotels, as well as commercial centers to the east and south of the property. All these properties are currently Zoned Commercial. However, as has been stated, the City is currently working on a major rezoning and General Plan land use designation effort which will change this property and all surrounding properties to the very zoning and land use being proposed. As such, this Project embodies what the goals of the DMU Zone are, with a mix of residential and commercial uses. Therefore, the development and operation of the mixed-use development will be compatible with the existing and future land uses in the vicinity.

4. The site is physically suitable in terms of:

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

FACT: The Project site is 2.33 acres in size and can physically accommodate the proposed mixed-use development. The residential component of the Project will provide a density of approximately 96 units per acre, which is in compliance with the maximum density for the area due to the density bonus permitted as a result of the affordable housing units being provided. The commercial component of the Project will have a floor area ratio ("FAR") of 0.18, which is below the maximum allowable FAR of 1.0. Additionally, the amount of on-site parking that will be provided for this Project meets and exceeds the minimum required by State law for projects providing affordable housing units that are in close proximity to the Foothill Gold Line (Metro A Line) Station. Finally, to accommodate increased traffic and turning motions necessitated by the Project, the left turn pocket on Huntington/Gateway will be extended to allow for additional queuing.

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

FACT: The Project site is located on the north side of Huntington Drive and the west side of Gateway Drive. These streets are adequate in width and pavement type to carry emergency vehicles and traffic generated by the proposed use on the site.

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

FACT: The Fire and Police Departments have reviewed the application and determined that, with the addition of the newly created Fire Impact Fee, there will be no impacts to public protection services. The need for new or altered Fire or Police services is usually associated with substantial population growth. Recognizing this, in advance of changes in zoning and development type in the Downtown Mixed Use Zone, the Fire Department recently added an impact fee to plan for future growth. With the

payment of this fair share fee by the Applicant, no impacts to public protection services are anticipated. Development of Downtown Arcadia has been anticipated and planned for since the General Plan was updated in 2010. Mixed-use developments and residential units have been expected since that time on the part of public protection services and, as mentioned, the City is working on a major zone change for a large portion of this area to a similar land use type. The new Fire Department fee will account for this project's fair share of new demand for fire services.

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

FACT: As part of the development, new utility connections, including connections for potable water and storm drainage, will be required. Implementation of best management practices by the Applicant during construction and operation would ensure impacts to water quality do not occur. The site can be adequately served by all required utilities through interconnection with existing utilities within City right-of-way abutting the site. The Project will require a fair-share payment for upsizing of a sewer line, which is anticipated to be built by the City.

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

FACT: The proposed mixed-use development is not anticipated to have adverse effects on the public health or welfare, or the surrounding neighborhood. The Project will



be compatible with the surrounding uses in the general area. Additionally, the Environmental Impact Report prepared for the Project assessed all the potential impacts from the Project and it was determined that there would be no significant impacts to traffic, noise, air quality, or water quality. Therefore, the proposed use will not adversely affect the public convenience, health, interest, safety or general welfare of adjacent uses in the vicinity and zone of the subject property.

### Density Bonus

1. The Project will be consistent with the General Plan, except as provided by this section with regard to maximum density, density bonuses, and other incentives and concessions.

FACT: The Project is consistent with the Downtown Mixed Use land use designation in the General Plan, as well as the zoning requirements of the DMU Zone. The Project meets the following policies of the General Plan Land Use Element: LU-1.1, LU-1.8, LU-4.2, LU 4.3, LU-6.4, and LU-6.5. With the application of the permitted density bonus, the Project is allowed up to 96 dwelling units an acre, which is what is being processed through the addition of low-income housing units.

2. The approved number of dwellings can be accommodated by existing and planned infrastructure capacities.

FACT: The Project proposes 214 dwelling units, which includes nine affordable units for seniors. All relevant utility providers and service providers reviewed the proposed Project and have declared that the Project can be served with existing and/or planned infrastructure. The Arcadia General Plan has anticipated mixed-use development in Downtown Arcadia since 2010. The infrastructure has been reviewed and analyzed with

this in mind and the Project can be accommodated. Additionally, the City is planning a major rezoning effort which will include this Project and surrounding properties.

3. Adequate evidence exists to indicate the Project will provide affordable housing in a manner consistent with the purpose and intent of this Section.

FACT: The Applicant had been conditioned to provide a Density Bonus Housing Agreement which specifies that nine units will be provided for very low-income senior residents. This document must be recorded prior to the issuance of a Certificate of Occupancy for the Project and shall run with the property. This will provide the necessary surety that these units will remain affordable over time.

4. In the event that the City does not grant at least one financial concession or incentive as defined in Government Code Section 65915 in addition to the density bonus, that additional concessions or incentives are not necessary to ensure affordable housing costs as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Government Code 65915(C.).

FACT: The Project is proposing a density bonus of 20% based on the provision of 5% affordable units at the very low-income level, which is allowable per State law. In addition, the Project is utilizing the parking relaxation requirements allowed due to the provision of affordable housing and proximity to transit. The Project is also being granted a concession for Development Code standards related to the dimensions of parking spaces and aisle width. As such, the Project can meet all other zoning requirements and standards and no additional concessions or incentives are necessary to meet the targeted affordability.

5. There are sufficient provisions to guarantee that the units will remain affordable for the required time period.

FACT: The Applicant has been conditioned to submit a draft Density Bonus Housing Agreement which will be finalized and agreed to by both parties prior to recordation. The document will be required to be recorded prior to the issuance of a Certificate of Occupancy for the Project and will remain in effect for at least 55 years in order to comply with the required time period.

### **Architectural Design Review**

The Project will be consistent with the objectives and standards of the applicable Design Guidelines. The Project will be compatible in terms of scale and aesthetic design with surrounding properties and developments since the adjacent properties also have a height overlay to allow taller buildings and the new Derby restaurant has been designed to maintain the low-slung craftsman-influenced character and scale of the existing building as well as other distinctive interior and exterior elements such as the gable roof and stained-glass windows.

The Project will have an adequate and efficient site layout in terms of access, vehicular circulation, parking and landscaping. The Project will also have valet service that will be reserved for the restaurant/cafés and residential visitors. Therefore, the Project meets the intent of the Site Plan & Design Review findings.

SECTION 3. For the foregoing reasons, the City Council has certified the Final EIR in accordance with CEQA under Resolution No. 7530, and determines the findings can be made to approve, and does hereby approve, General Plan Amendment No. GPA

22-01, Zone Change No. ZC 22-10, Minor Use Permit No. MUP 22-02, and Architectural Design Review No. ADR 22-06, along with a density bonus and lot line adjustment, for construction of a new mixed-use development at 233 & 301 E. Huntington Drive, subject to the conditions of approval and mitigation measures attached hereto as Exhibit "A".

SECTION 4. The City Clerk shall certify as to the adoption of this Resolution.

[SIGNATURES ON THE NEXT PAGE]


Passed, approved and adopted this 19th day of December, 2023.

\_\_\_\_\_  
Mayor of the City of Arcadia

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael J. Maurer  
City Attorney

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## EXHIBIT "A"

### **Conditions of Approval and Mitigation Measures**

1. The Applicant/Property Owner shall provide a Density Bonus Housing Agreement that will ensure that at least nine units are reserved on site as housing for very low-income senior residents. The Density Bonus Housing Agreement must be recorded in the Office of the Los Angeles Recorder's office prior to the issuance of a Certificate of Occupancy for the Project. Prior to their recordation, the Applicant/Owner shall submit the agreement to the City for review and approval by the City and shall obtain the City Attorney's approval thereof. For this purpose, the Applicant/Owner shall submit to the City with the proposed Agreement a deposit of \$5,000 for purposes of such review, of which any funds remaining after review of the Agreement by the City shall be returned to the Applicant/Owner.
2. A comprehensive landscaping plan, consistent with the conceptual landscape plan approved as part of the Project, prepared by a licensed landscape architect must be submitted as part of building plan check and subject to the approval of the Deputy Development Services Director or designee.
3. The existing Derby signage is to be refurbished and maintained in accordance with the approved plans.
4. A lot line adjustment must be approved and recorded with LA County prior to the issuance of building permits.
5. The Project shall comply with the latest adopted edition of the following codes as applicable:
  - a. California Building Code
  - b. California Electrical Code
  - c. California Mechanical Code
  - d. California Plumbing Code
  - e. California Energy Code
  - f. California Fire Code
  - g. California Green Building Standards Code
  - h. California Existing Building Code
  - i. Arcadia Municipal Code
6. The Project shall comply with Chapter 35A Multiple Family Construction Standards as amended in Arcadia Municipal Code Section 8130.20.
7. Prior to the approval of the building plans the Applicant/property owner shall prepare public street improvement plans as follows:

- a. Prepare separate Street Improvement Plan(s) for Huntington Drive & Gateway Drive along all property frontages from property line to property line to accommodate the changes to the parkway and street, including all removals, reconstruction, relocations, and news-rack removal (Huntington Drive) in the public right-of-way.
  - b. Included on the Street Improvement Plans will be removal of the eastbound and southbound raised medians at the intersection of Huntington Drive & Gateway Drive to create longer left-turn pockets for vehicles entering and exiting the site.
  - c. Striping plans for the Huntington Drive & Gateway Drive intersection will be required with minimum widths of 10 feet for the left-turn pockets and a minimum of 12 feet through/right turn lane next to the curb (Gateway Drive).
8. Prior to approval of the building plans the Applicant/property owner shall submit LID, Hydrology, and Soils Reports for review and approval.
  9. Prior to approval of the building plans the Applicant/property owner shall either construct or post security for all public improvements as follows:
    - a. Remove and replace existing sidewalk, curb and gutter along all property frontages from property line to property line to the satisfaction of the City Engineer. Include additional sidewalk to provide adequate clearance around all obstacles.
    - b. Remove and replace all driveway approaches per City standard plan.
    - c. Construct new ADA accessible ramps/domes at driveways where stop signs are proposed.
    - d. Coordinate with Public Works Services on protection of street trees along Huntington Drive and Gateway Drive including the installation of any new street trees.
    - e. Remove and replace the pavement in Gateway Drive adjacent to the development's entire frontage from gutter to gutter per approved street improvement plan.
    - f. Remove raised center medians on Huntington Drive and Gateway Drive and planter area on Huntington Drive with full depth pavement section matching existing thickness per approved street improvement plan.
    - g. Because Huntington Drive is currently under Moratorium, if project is completed prior to September 22, 2026, grind and overlay the pavement in Huntington Drive with extra limits of pavement repair adjacent to the development for the entire frontage from gutter to the centerline of the street or curb of raised median.
    - h. Restripe Huntington Drive & Gateway Drive per approved striping plan.
  10. Prior to final occupancy an additional 1-foot minimum easement shall be required on Gateway Drive to accommodate a full 10-foot parkway for sidewalk and utility



purposes providing 4foot wide ADA access/path of travel around all obstructions and driveways.

11. Prior to final occupancy, a plan for the proposed regulations of parking along the Huntington Drive curb in front of the Project shall be submitted to the City Engineer for review and approval. This area is not to be reserved for short-term parking but rather will be designated by the City Engineer.
12. Street trees shall be preserved as per the Arborist Report dated June, 2023. Any removal and replacement of street trees shall be coordinated with the Public Works Services Department and the appropriate fees shall be paid prior to the issuance of a Certificate of Occupancy. All trees remaining on site during and after construction shall be protected utilizing the recommendations provided in the Arborist report.
13. The Project is subject to Industrial Waste requirements. This will be reviewed through the submittal of plumbing plans. Grease Interceptors are required for all restaurants.
14. A 12" cast iron water main with 59 psi static pressure is available on the south side of Huntington Dr, and a 12" cast iron water main with 60 psi static pressure is available on Gateway Dr. Both mains are available for domestic water and/or fire services. The Applicant/Property Owner shall provide calculations prepared by a licensed Civil or Mechanical Engineer to determine the maximum domestic demand, maximum commercial demand, and maximum fire demand in order to verify the required sizes of water services.
15. The Applicant/Property Owner shall provide separate water services and meters for residential, commercial, and common area landscape irrigation uses. All water services will require approved reduced pressure backflow devices for meter services protection.
16. Domestic water service for residential dwelling units shall be provided by a common master meter installed within the public right-of-way.
17. Fire protection requirements shall be as stipulated by the Arcadia Fire Department and shall be conformed to Arcadia Standard Plan. A separate fire service with Double Check Detector Assembly ("DCDA") shall be installed. Location of DCDA shall be closed to the public right of way and can't be inside the building.
18. A Water Meter Clearance Application shall be submitted to the Public Works Services Department prior to permit issuance.
19. New water service installations shall be installed by the Applicant/Property Owner. Installation shall be according to the specifications of the Public Works Services

Department, Engineering Division. Abandonment of existing water services, if necessary, shall be carried out by the Applicant/Property Owner, according to Public Works Services Department, Engineering Division specifications.

20. Several City sewer lines are in the Project vicinity as provided below, the Applicant/Property Owner shall utilize existing sewer laterals, if possible.
  - a. An 8" VCP sewer main is available on Huntington Dr.
  - b. An 8" VCP sewer main is available at the site, which leads to Huntington Dr.
  - c. An 8" VCP sewer main is available on Gateway Dr.
21. Prior to a Certificate of Occupancy being issued for the Project, the Applicant/Property Owner shall make a fair share contribution to a sewer upgrade project in Fifth Avenue. This fair share payment is memorialized as Mitigation Measure UTL-1.
22. If the proposed underground parking structure and/or any part of the building footprint lies within five feet of the existing 8" on-site sewer line, the Applicant/Property Owner shall remove or abandon the entire ~200' long line. Access to the upstream manhole on that line shall be maintained if the line has not been removed or abandoned.
23. If any drainage fixture elevation on any floor is lower than the elevation of the next upstream manhole cover, an approved type of backwater valve is required to be installed on the lateral behind the property line.
24. Since the proposed project exceeds one acre of disturbed land, applicant must file a Notice of Intent (NOI) with the State Water Resources Control Board for a General Construction NPDES Permit. The NOI will require certain items such as preparation of the Stormwater Pollution Prevention Plan (SWPP), applicable fees, etc. The City will not approve any grading plans until a Waste Discharger Identification ("WDID") Number# has been issued by the State.
25. The proposed project is subject to low impact development (LID) requirements. Applicant/Property Owner shall integrate low impact development ("LID") strategies into the site design. These strategies include using infiltration trenches, bioretention planter boxes, roof drains connected to a landscaped area, pervious concrete/paver, etc.
26. Trash/recycling bins shall be configured to provide easy access for trash collection services. There should be one foot clearance around the trash bins/recycling bins and all bins/carts shall meet the specifications of the Public Works Services Department. At a minimum, trash enclosure areas should accommodate three containers: a 3-yard bin for trash, 3-yard bin for recycling, and 69/96 gallon sized

carts for organics recycling. Roof clearance must be 10 feet so trucks can access bins to empty.

27. All areas shall be fire sprinklered. The sprinkler systems serving commercial areas and residential areas shall be segregated.
28. The fire sprinkler system shall be monitored by a UL listed central station. Notification appliances shall be provided in all common areas and residential areas.
29. Class I standpipes shall be provided inside all stairwells on all levels including the roof.
30. New hydrants shall be provided at the following street frontage locations:
  - a. One on the west side of Gateway Drive, towards the north of property
  - b. One on the north side of Huntington Drive, towards the west of property
31. An Emergency Responder Radio Coverage System shall be provided.
32. A knox box shall be provided adjacent to the Lobby area and outside stairwells. Any automatic gates used in parking areas shall be equipped with a knox switch.
33. The emergency gate serving the north side of the property currently acts as a drive through for ladder truck access. The proposed layout will eliminate that access. An approved alternative method of ladder truck turn-around shall be provided to Arcadia Fire Department for review prior to any permit issuance.
34. The Project is responsible for contributing a fair-share payment toward the installation of a cloud-based mitigation system being completed by the Fire Department to ensure response times are maintained or enhanced given new development. This fair-share payment shall be attributed to the seven (7) immediately adjacent intersections evaluated in the traffic study for the Project, and the payment shall not exceed \$17,500.
35. The Project shall be developed and maintained by the Applicant/Property Owner in a manner that is consistent with the plans submitted and conditionally approved for General Plan Amendment No. GPA 22-01, Zone Change No. ZC 22-01, Minor Use Permit No. MUP 22-02, Architectural Design Review No. ADR 22-06, subject to the satisfaction of the Development Services Director or their designee. Noncompliance with the plans, provisions and conditions of approval shall be grounds for immediate suspension or revocation of any approvals.
36. The Applicant/Property Owner shall be responsible for the repair of all damage to public improvements in the public right-of-way resulting from construction related activities, including, but not limited to, the movement and/or delivery of equipment,

materials, and soils to and/or from the site. This shall be determined by the City Engineer and/or Public Works Services Director during construction and up until issuance of a Certificate of Occupancy.

37. Prior to issuance of a building permit, the Applicant/Property Owner shall submit a parking management plan which shall include both a detailed valet parking plan for the Project as well as a parking staging plan for all phases of construction so as to minimize impacts on surrounding businesses and street parking. Said plan shall be subject to review and approval by the Deputy Development Services Director, or their designee.
38. Per the recommendations of the Parking Management and Valet Parking Analysis, space counters shall be installed for self-park spaces and dynamic parking displays shall be placed at the Gateway Drive garage driveway entrance indicating the number of self-park spaces occupied and available within the garage. These parking displays shall also be visible from Huntington Drive. All self-park spaces shall be clearly marked.
39. A detailed parking signage plan shall be provided along with Building Permit plans that meets the recommendations of the Derby Parking Management/Valet Operations Analysis dated July, 2023. Signage shall include directional signage for both valet and self-park users, as well as directional signage in both the courtyard area and parking structure to avoid confusion.
40. All City requirements regarding disabled access and facilities, occupancy limits, building safety, health code compliance, emergency equipment, environmental regulation compliance, and parking and site design shall be complied with to the satisfaction of the Building Official, City Engineer, Development Services Director, Fire Marshal, and Public Works Services Director. Any changes to the existing facility may be subject to having fully detailed plans submitted for plan check review and approval by the aforementioned City officials and employees and may subject to separate building permits.
41. To the maximum extent permitted by law, the Applicant/Owner must defend, indemnify, and hold the City, any departments, agencies, divisions, boards, and/or commissions of the City, and its elected officials, officers, contractors serving as City officials, agents, employees, and attorneys of the City ("Indemnitees") harmless from liability for damages and/or claims, actions, or proceedings for damages for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Applicant's activities in connection with GPA 22-01, ZC 22-01, MUP 22-02, ADR 22-06, a Density Bonus and Lot Line Adjustment ("Project"), and which may arise from the direct or indirect operations of the Applicant or those of the Applicant's contractors, agents, tenants, employees or any other persons acting on Applicant's behalf, which relate to the development

and/or construction of the Project. This indemnity provision applies to all damages and claims, actions, or proceedings for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for the Project.

In the event of any legal action challenging the validity, applicability, or interpretation of any provision of this approval, or any other supporting document relating to the Project, the City will notify the Applicant of the claim, action, or proceedings and will cooperate in the defense of the matter. The Applicant must indemnify, defend and hold harmless the Indemnitees, and each of them, with respect to all liability, costs and expenses incurred by, and/or awarded against, the City or any of the Indemnitees in relation to such action. Within 15 days' notice from the City of any such action, the Applicant shall provide to the City a cash deposit to cover legal fees, costs, and expenses incurred by City in connection with defense of any legal action in an initial amount to be reasonably determined by the City Attorney. The City may draw funds from the deposit for such fees, costs, and expenses. Within 5 business days of each and every notice from City that the deposit has fallen below the initial amount, Applicant shall replenish the deposit each and every time in order for City's legal team to continue working on the matter. The City shall only refund to the Developer any unexpended funds from the deposit within 30 days of: (i) a final, non-appealable decision by a court of competent jurisdiction resolving the legal action; or (ii) full and complete settlement of legal action. The City shall have the right to select legal counsel of its choice. The parties hereby agree to cooperate in defending such action. The City will not voluntarily assist in any such third-party challenge(s). In consideration for approval of the Project, this condition shall remain in effect if the entitlement(s) related to this Project is rescinded or revoked, at the request of the Applicant or not.

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

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

42. **MM-CUL-1.** Prior to commencement of construction activities, an inadvertent discovery clause, written by an archaeologist, shall be added to all construction plans associated with ground disturbing activities and the Project Applicant shall retain a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology, to prepare a Worker Environmental Awareness Program ("WEAP"). The WEAP shall be submitted to the City of Arcadia Development Services Department (City) for review and approval. All construction personnel and monitors shall be presented the WEAP training prior to the start of construction activities. The WEAP shall be prepared to inform all personnel working on the Project about the archaeological sensitivity of the area, to provide specific details on the kinds of archaeological materials that may be

identified during construction, to explain the importance of and legal basis for the protection of significant archaeological resources, and to outline the actions to be taken in the event of a discovery of cultural resources. Each worker shall also learn the proper procedures to follow in the event that cultural resources or human remains are uncovered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate contact of the site supervisor and archaeological monitor.

The WEAP shall require that a qualified archaeologist be retained and on-call to respond to and address any inadvertent discoveries identified during initial excavation in native soils, which underly the 2-4 feet below ground surface of artificial fill soils. As it pertains to archaeological monitoring, this definition excludes movement of sediments after they have been initially disturbed or displaced by project-related construction.

If potential archaeological resources (i.e., sites, features, or artifacts) are exposed during construction activities for the Project, the City shall be notified and all construction work occurring within 50 feet of the find shall immediately stop until a qualified archaeologist can evaluate the significance of the find and determine whether or not additional study is warranted. The archaeologist shall be empowered to temporarily stop or redirect grading activities to allow removal of abundant or large artifacts. Depending upon the significance of the find under the California Environmental Quality Act ("CEQA") (14 CCR 15064.5[f]; PRC, Section 21082), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan and data recovery, may be warranted. The archaeologist shall also be required to curate any discovered specimens in a repository with permanent retrievable storage and submit a written report to the City of Arcadia for review and approval prior to occupancy of the first building on the site. Once approved, the final report shall be filed with the South-Central Coastal Information Center ("SCCIC").

43. **MM-GEO-1.** In the event that paleontological resources (e.g., fossils) are exposed during construction activities for the Project, all construction work occurring within 50 feet of the find shall immediately stop until a Qualified Paleontologist meeting Society of Vertebrate Paleontology (SVP 2010) standards can evaluate the significance of the find and determine whether or not additional study is warranted. If the discovery is clearly not significant, the paleontologist may document the find and allow work to continue. If significant paleontological resources are discovered during earthmoving activities, the qualified paleontologist shall prepare and submit a Paleontological Resources Recovery Plan ("PRRP") to the City for review and approval. The recovery plan shall include, but is not limited to, sampling and fossil recovery procedures, museum curation for any scientifically significant specimen recovered, and a report of findings. Recommendations in the PRRP as approved by the City shall be implemented before construction activities can resume at the site where the significant paleontological resources were discovered. Any reports and plans resulting from implementation of this measure shall be submitted to City

Planning Division and filed with the Natural History Museum of Los Angeles County.

44. **MM-HAZ-1. Hazardous Building Materials Survey.** Prior to the issuance of a demolition permit for any existing on-site structures, a qualified environmental specialist shall conduct a survey for asbestos-containing materials, lead-based paint, polychlorinated biphenyls, mercury, and other hazardous building materials, such as universal wastes and refrigerants, to document the presence of any potentially hazardous materials within the structures. If survey results are positive, all potentially hazardous materials identified as part of this survey shall be handled and disposed in accordance with the federal and state hazardous waste and universal waste regulations. Demolition plans and contract specifications shall incorporate any necessary abatement measures in compliance with the findings of the hazardous building materials survey and federal, state, and local regulations, including those of the U.S. Environmental Protection Agency (which regulates disposal), Occupational Safety and Health Administration, California Occupational Safety and Health Administration (which regulates employee exposure), the South Coast Air Quality Management District, and the Metallic Discards Act of 1991 (Public Resources Code, Section 42160 et seq.), particularly Public Resources Code, Section 42175, Materials Requiring Special Handling, for the removal of mercury switches, PCB-containing ballasts, and refrigerants. Upon completion of construction activities, proof of proper handling and disposal shall be provided to the City's Public Works Department.
  
45. **MM-HAZ-2. Contaminated Soil Management.** Prior to the issuance of a grading permit, the Project Applicant/Property Owner shall retain a qualified environmental professional to prepare a soil management plan ("SMP") that outlines the proper screening, handling, characterization, transportation, and disposal procedures for contaminated soils on site based on the findings of the site-specific conditions, geophysical surveys, and Phase I and II Environmental Site Assessments, and shall identify any areas of known or suspected soil contamination. The SMP shall be provided to the City Development Services Department for review prior to any site grading. The Project's contractor shall ensure implementation of the SMP through the contract specifications for all confirmed and suspected contaminated soils which require excavation and offsite disposal. The SMP shall include health and safety and training procedures for construction workers who may come into contact with contaminated soils. The health and safety procedures shall include periodic breathing zone monitoring for volatile organic compounds ("VOCs") using a handheld organic vapor analyzer and include required actions to be taken if concentrations of VOCs exceed applicable screening levels for health and safety of onsite workers and the public. The SMP shall also include instructions for the identification of potentially-impacted soils, procedures for temporary cessation of construction activity and evaluation of the level of environmental concern if potentially-impacted soils or underground storage tanks are encountered, procedures for characterizing and managing potentially-impacted soils, and follow-

up procedures such as disposal and reporting, as necessary. Contaminated soil shall be managed and disposed of in accordance with applicable federal, state, and local regulations. Upon completion of construction activities, proof of compliance with the SMP shall be provided to the City's Development Services Department.

46. **MM-NOI-1.** Prior to the issuance of a demolition permit, the Project Applicant/Property Owner shall ensure that the following measures are included in the construction contractor's contract specifications and that the following measures are implemented and monitored for compliance throughout construction:
- a. All construction equipment must have supplier-approved sound muffling devices (e.g., engine air intake or exhaust treatment) installed and used in compliance with relevant industry standards and Cal/OSHA regulations pertaining to construction noise, which shall be properly maintained and used at all times such equipment is in operation.
  - b. The construction contractor shall place stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the Project site, including the hotels located adjacent to the northern and northwestern boundaries of the Project site.
  - c. The construction contractor shall locate on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the Project site during the construction period.
  - d. All noise producing construction activities, including warming-up or servicing equipment and any preparation for construction, shall be limited to the hours between 7:00 a.m. and 6:00 p.m. on weekdays.
  - e. An eight (8) foot tall temporary noise barrier shall be erected or installed along an extent of the northern Project site property line where it is adjacent to the nearest noise-sensitive receptor. The barrier can comprise one or more materials of construction and/or assembly, so long as the net sound transmission class ("STC") is 15 or better, and thus expected to yield a minimum of 5 dB noise reduction when blocking direct sound paths between onsite Project construction noise-producing activities or equipment and the offsite receptor of concern. The horizontal extent of the installed barrier should be compatible with Caltrans or other industry guidance with respect to minimizing flanking effects around the ends of the barrier, based on both the offsite receptor position and the onsite position or zone of construction activity.



47. **MM-TRA-1.** Prior to the issuance of a grading permit, the Project Applicant/Property Owner shall coordinate with the City Engineer to prepare engineering plans that remove and reconfigure the raised median on E. Huntington Drive to extend the eastbound left-turn pocket to at least 75 feet. Plans shall be prepared and implemented to the satisfaction of the City's Public Works Services Director and the work on E. Huntington Drive shall be completed prior to the issuance of a certificate of occupancy.
48. **MM TRA 2.** Prior to the issuance of a building permit, the Project Applicant/Property Owner shall prepare a Parking Signage Plan to clearly identify ingress/egress and circulation for residents and commercial visitors. The Parking Signage Plan shall require that adequate signage be installed within the commercial section of the parking structure directing personal vehicles to use the Gateway Drive egress to exit the Project site, and to prohibit egress through the Courtyard to E. Huntington Drive, in order to avoid conflicts with valet operations.
49. **MM-TRA-3.** Prior to the issuance of demolition or grading permits, the Project Applicant/Property Owner shall develop and implement a City-approved Construction Traffic Control Plan. The Plan shall be prepared in accordance with applicable City guidelines and shall address the potential for construction-related vehicular traffic, as well as pedestrian and bicycle circulation disruption in the public right-of-way. The Plan shall describe safe detours and shall include protocols for implementing the following: temporary traffic controls (e.g., a flag person during heavy truck traffic for soil export) to maintain smooth pedestrian and traffic flow; dedicated on-site turn lanes for construction trucks and equipment leaving the site; scheduling of peak construction truck traffic that affects traffic flow on the arterial system to off-peak hours; consolidation of truck deliveries; and/or rerouting of construction trucks away from congested streets or sensitive receptors.
50. **MM-TCR-1. *Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities.*** The Project Applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any "ground-disturbing activity" for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the Project description/definition and/or required in connection with the Project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.

A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.

The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered tribal cultural resources (TCRs), including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the Project Applicant/lead agency upon written request to the Tribe.

On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the Project Applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the Project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the Project Applicant/lead agency that no future, planned construction activity and/or development/construction phase at the Project site possesses the potential to impact Kizh TCRs.

Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.

51. **MM-TCR-2. *Unanticipated Discovery of Human Remains and Associated Funerary Object.*** 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 Public Resources Code Section 5097.98, are also to be treated according to this statute.

If Native American human remains and/or grave goods discovered or recognized on the Project site, then all construction activities shall immediately cease. Health and Safety Code Section 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and all ground-disturbing activities shall immediately halt and shall remain 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 they are Native American, they shall contact, by telephone within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.

Human remains and grave/burial goods shall be treated alike per California Public Resources Code Section 5097.98(d)(1) and (2).

Construction activities may resume in other parts of the Project site at a minimum of 200 feet away from discovered human remains and/or burial goods, if the Kizh determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the Project Manager express consent of that determination (along with any other mitigation measures the Kizh monitor and/or archaeologist deems necessary). (CEQA Guidelines Section 15064.5(f).)

Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. Any historic archaeological material that is not Native American in origin (non-TCR) 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, it shall be offered to a local school or historical society in the area for educational purposes.

Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

52. **MM-TCR-3. *Procedures for Burials and Funerary Remains.*** If it is determined, through compliance with Public Resources Code Section 5097.98 and other applicable regulatory requirements that the Gabrieleño Band of Mission Indians - Kizh Nation is the Most Likely Descendant (“MLD”), the following shall be implemented:

- a. As the MLD, the Koo-nas-gna Burial Policy 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 preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains.
- b. If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.
- c. The prepared soil and cremation soils 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. Cremations will either be removed in bulk or by means as necessary to ensure complete recovery of all sacred materials.

- d. 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.
  - e. In the event preservation in place is not possible despite good faith efforts by the Project Applicant/Property Owner, before ground-disturbing activities may resume on the Project site, the landowner shall arrange a designated site location within the footprint of the Project for the respectful reburial of the human remains and/or ceremonial objects.
  - f. 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.
  - g. The Tribe will work closely with the Project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does not authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.
53. **MM-UTL-1. Sewer Upgrade Fair Share Payment.** Prior to issuance of a Certificate of Occupancy permit for the Project, the Applicant/Property Owner shall make a fair share contribution of nine percent (9%) of the Fifth Avenue Sewer Upgrade Project cost, not to exceed \$108,000, to the City to help fund upgrading of the sewer line in Fifth Avenue. The Fifth Avenue Sewer Upgrade Project will be included in the City's 2024-25 Capital Improvement Plan budget and the work will be completed by the City's Public Works Services Department by the end of the 2024-25 Fiscal Year. This measure shall be implemented to the satisfaction of the City Engineer and/or the City Public Works Services Department as appropriate.

# Attachment No. 4

Ordinance no. 2398

ORDINANCE NO. 2398

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, AMENDING THE ZONING DESIGNATION OF THE PROPERTIES AT 233 & 301 E. HUNTINGTON DRIVE FROM “CG - GENERAL COMMERCIAL” TO “DMU-DOWNTOWN MIXED USE” WITH A HEIGHT OVERLAY OF H7 WITH RESPECT TO THE “DERBY MIXED-USE DEVELOPMENT” AND MAKE REVISIONS TO THE ZONING MAP TO REFLECT THE ZONE CHANGES FOR THESE PROPERTIES

WHEREAS, the City Council is authorized by the Arcadia Municipal Code Section 9108.03 to review and approve amendments to the City’s Zoning Map and zoning designations; and

WHEREAS, the Arcadia Municipal Code, Section 9108.03 provides that the amendment of a zoning designation and/or the Zoning Map shall be accomplished by ordinance; and

WHEREAS, on April 15, 2022, applications were filed with the City of Arcadia (“City”) for General Plan Amendment No. GPA 22-01, Zone Change No. ZC 22-01, Minor Use Permit No. MUP 22-02, Architectural Design Review No. ADR 22-06, along with a Lot Line Adjustment (filed on August 11, 2022), to construct “The Derby Mixed-Use Project” a new mixed-use development at 233 & 301 East Huntington Drive. The project includes a density bonus and will result in a six-story mixed-use building containing 214 residential units, including nine (9) affordable units (collectively, the “Project”); and

WHEREAS, a Final Environmental Impact Report (“EIR”) has been prepared by the City for the Project. This Final EIR has been prepared in conformance with the California Environmental Quality Act of 1970 (“CEQA”) statutes (Cal. Pub. Res. Code,

Section 21000 et. seq., as amended) and implementing guidelines (Cal. Code Regs., Title 14, Section 15000 et. seq.). In accordance with the CEQA Guidelines; and

WHEREAS, a Notice of Preparation (“NOP”) was circulated for a 30-day public review starting on October 14, 2022, to public agencies, organizations, and interested individuals; and

WHEREAS, on October 26, 2022, an in-person scoping meeting was held. The purpose of this meeting was to seek input from public agencies and the general public regarding the potential environmental impacts of the proposed Project. The City received no comments/questions with environmental concerns during the scoping meeting but eight (8) individuals requested to be placed on a mailing list for further information; and

WHEREAS, a Draft EIR was made available for public review and comment pursuant to CEQA Guidelines Section 15087. The 45-day public review period for the Draft EIR started on August 4, 2023, and ended on September 19, 2023. At the beginning of the public review period, an electronic copy of the Draft EIR and an electronic copy of the Notice of Completion (“NOC”) and Notice of Availability (“NOA”) were submitted to the State Clearinghouse and Los Angeles Records Office. The 45-day public review period provided interested public agencies, groups, and individuals the opportunity to comment on the contents of the Draft EIR. A total of three agency, organization, and individual comment letters were received and are included in Chapter 2, Responses to Comments, of this Final EIR; and

WHEREAS, the Final EIR addresses the comments received during the public review period and includes minor changes to the text of the Draft EIR in accordance with comments; and

WHEREAS, pursuant to CEQA Guidelines Section 15091, the City Council shall make findings for each of the significant effects identified in the EIR and shall support the findings with substantial evidence in the record. After considering the Final EIR in conjunction with making findings under Section 15091, the lead agency may decide whether or how to approve or carry out the Project. When a lead agency approves a project that will result in the occurrence of significant effects that are identified in the Final EIR but are not avoided or substantially lessened, the agency is required by CEQA to state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. Because the Project would not result in significant and unavoidable impacts, a “statement of overriding considerations” is not required to be prepared. The Final EIR identified potentially significant effects that could result from the Project but can be mitigated through mitigation measures; and

WHEREAS, on November 28, 2023, a duly noticed public hearing was held before the Planning Commission on said Project, at which time all interested persons were given full opportunity to be heard and to present evidence; and

WHEREAS, the Planning Commission voted 5-0, to approve Planning Commission Resolution No. 2134 recommending approval of Zone Change No. ZC 22-01 to the City Council; and,



WHEREAS, on December 19, 2023, a duly noticed public hearing was held before the City Council on said project, at which time all interested persons were given full opportunity to be heard and present evidence.

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

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

SECTION 1. That the factual data submitted by the Development Services Department in the Staff Report dated December 19, 2023, are true and correct.

SECTION 2. That the City Council finds that based upon the entire record, including all written and oral evidence presented, pursuant to the Arcadia Development Code, all of the following findings can be made.

1. The proposed amendment is in conformance with the goals, policies, and objectives of the General Plan.

FACT: The proposed Zone Change for the Project is in conformance with the goals, policies and objectives of the General Plan. The Zone Change proposed to change the current General Commercial zoning to Downtown Mixed Use, which allows residential development on the site in an urban, mixed-use format. The change in zoning to Downtown Mixed-Use allows for development of a mixed-use project in furtherance of the goals and polices found in the Land Use & Community Design Element, the Economic Development Element, the Circulation and Infrastructure Element and, most importantly, the Housing Element of the General Plan. The City's Housing Element requires that the City meet the State-mandated Regional Housing Needs Allocation. To

do so, mixed-use development in what was formerly commercial areas is an effective and beneficial way to do so. The City is planning a major Zoning Map update that would change the zoning of this very property, in addition to all surrounding properties, to Downtown Mixed Use. This proposal is simply arriving before the City's larger effort. The proposed change will allow the property owner to merge two properties into one parcel to accommodate a larger mixed-use project that is more appropriate for this site. The revised Project continues to implement the General Plan's policies and goals for an orderly development that is supported by public infrastructure and services. The proposed development meets all applicable development standards, including not exceeding the height that is allowed through the Height Overlay of H7 (75 feet in height).

2. The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated land uses/developments.

FACT: When joined together through the associated lot line adjustment, the resulting property is 2.23 acres in size. As such, the site is physically suitable for the proposed Project in terms of land use, height, access and egress, parking, and the provision of utilities. There are no physical constraints, and the proposed use and development is compatible with adjoining land uses in that this area will add more commercial uses, including a larger restaurant on the ground floor and add vitality to this part of the commercial corridor. The Environmental Impact Report submitted along with the Project reviewed all of the site logistics and utility provision challenges

inherent in the area. Through mitigations and conditions approval, there are no deficiencies, and the site is suitable for the change in zoning.

3. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

FACT: The proposed Zone Change is consistent with a City-sponsored zoning change that is currently in development that will modify this area to Downtown Mixed Use. To review the specific impacts of this proposed Project, however, an Environmental Impact Report was submitted that analyzed all the potential impacts, and the anticipated impacts from the Project are less than significant or can be reduced to less than significant levels with the implementation of mitigation measures to traffic, noise, air quality, geology, hazards, and utilities and service systems. Therefore, the Zone Change would not be detrimental to the public interest, health, safety, convenience, or general welfare of adjacent uses in the vicinity and of this property. Further, the mixed-use project will provide a superior development to this site and add to the vitality of the area.

SECTION 3. That for the foregoing reasons, the City Council approves Zone Change No. ZC 22-01 amend the zoning designation of the properties at 233 & 301 E. Huntington Drive from “CG – General Commercial” to “DMU - Downtown Mixed Use” with a height overlay of H7 with respect to “The Derby Mixed Use Development” and make revisions to the Zoning Map to reflect the changes for these properties as shown in Exhibit “A”. This approval is a part of the entitlements that were approved under City Council Resolution Nos. 7530, 7531, and 7532 related to the Derby Mixed Use Development.

SECTION 4. The City Clerk shall certify as to the adoption of this Ordinance.

Passed, approved and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor of City of Arcadia

ATTEST:

\_\_\_\_\_  
City Clerk

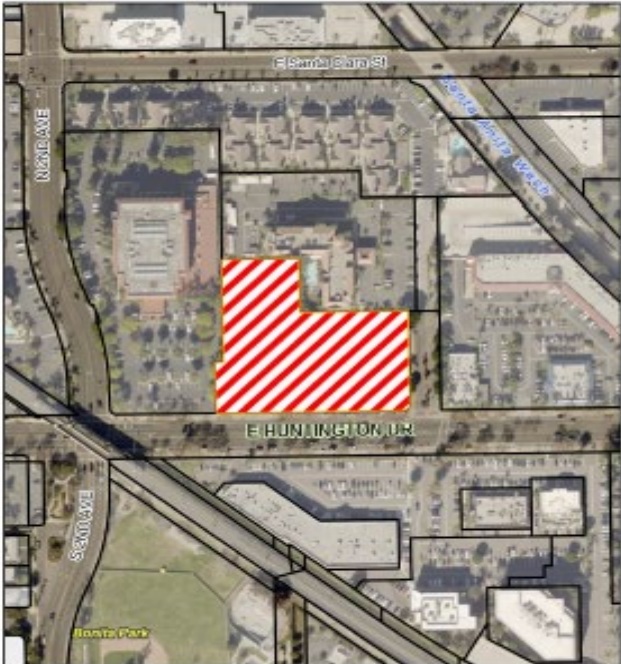
APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael J. Maurer  
City Attorney

EXHIBIT "A"

Zoning Map/Zoning Designation Change

Proposed Zoning



-  Downtown Mixed Use (DMU)
-  Special Height Overlay (H-7)

Existing Zoning



-  General Commercial (C-G)

0 75 150 300 Feet

# Attachment No. 5

Aerial Photo, Zoning Information, and  
Photos of the Subject Property

Site Address: **233 E HUNTINGTON DR**

Property Owner(s): Property Owner




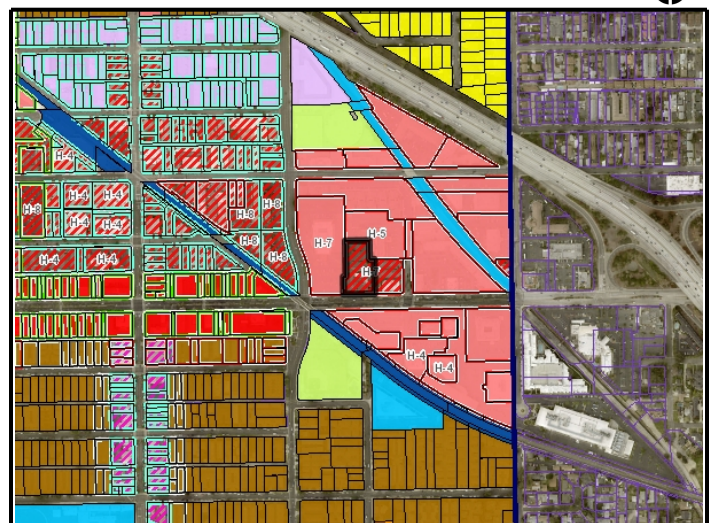
**Property Characteristics**

<b>Zoning:</b>	C-G
<b>General Plan:</b>	Commercial
<b>Lot Area (sq ft):</b>	58,257
<b>Main Structure / Unit (sq. ft.):</b>	6,670
<b>Year Built:</b>	1927
<b>Number of Units:</b>	1

**Overlays**

- Architectural Design Overlay:**
- Downtown Overlay:**
- Downtown Parking Overlay:**
- Parking Overlay:**
- Racetrack Event Overlay:**
- Residential Flex Overlay:**
- Special Height Overlay:**

Selected parcel highlighted 



Parcel location within City of Arcadia 

Site Address: **301 E HUNTINGTON DR**

Property Owner(s): Property Owner



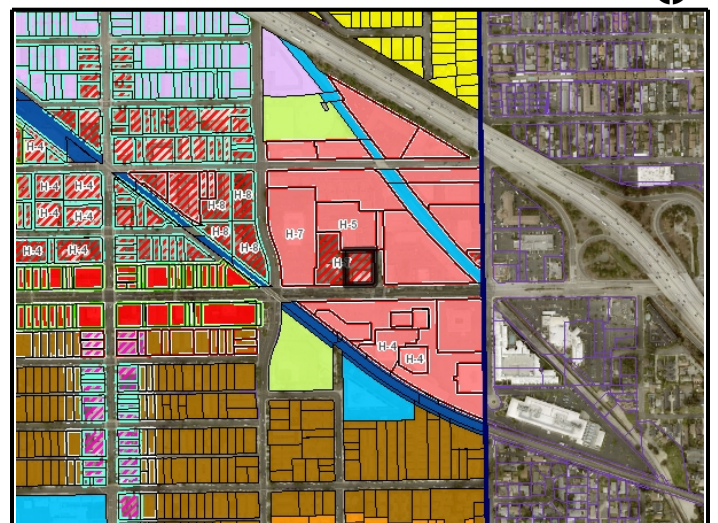
**Property Characteristics**

<b>Zoning:</b>	C-G
<b>General Plan:</b>	C
<b>Lot Area (sq ft):</b>	
<b>Main Structure / Unit (sq. ft.):</b>	7,626
<b>Year Built:</b>	1988
<b>Number of Units:</b>	1

**Overlays**

<b>Architectural Design Overlay:</b>	Yes
<b>Downtown Overlay:</b>	N/A
<b>Downtown Parking Overlay:</b>	N/A
<b>Parking Overlay:</b>	N/A
<b>Racetrack Event Overlay:</b>	N/A
<b>Residential Flex Overlay:</b>	N/A
<b>Special Height Overlay:</b>	H-7

Selected parcel highlighted



Parcel location within City of Arcadia





The Derby Restaurant – View from Huntington Drive





Additional Pics of the Derby – Exterior Elevations





**(Above) – Dining area inside The Derby Restaurant**



**(Above) – View of former Souplantation Restaurant from Huntington Drive**



**(Above) – Interior of the former Souplantation Restaurant**

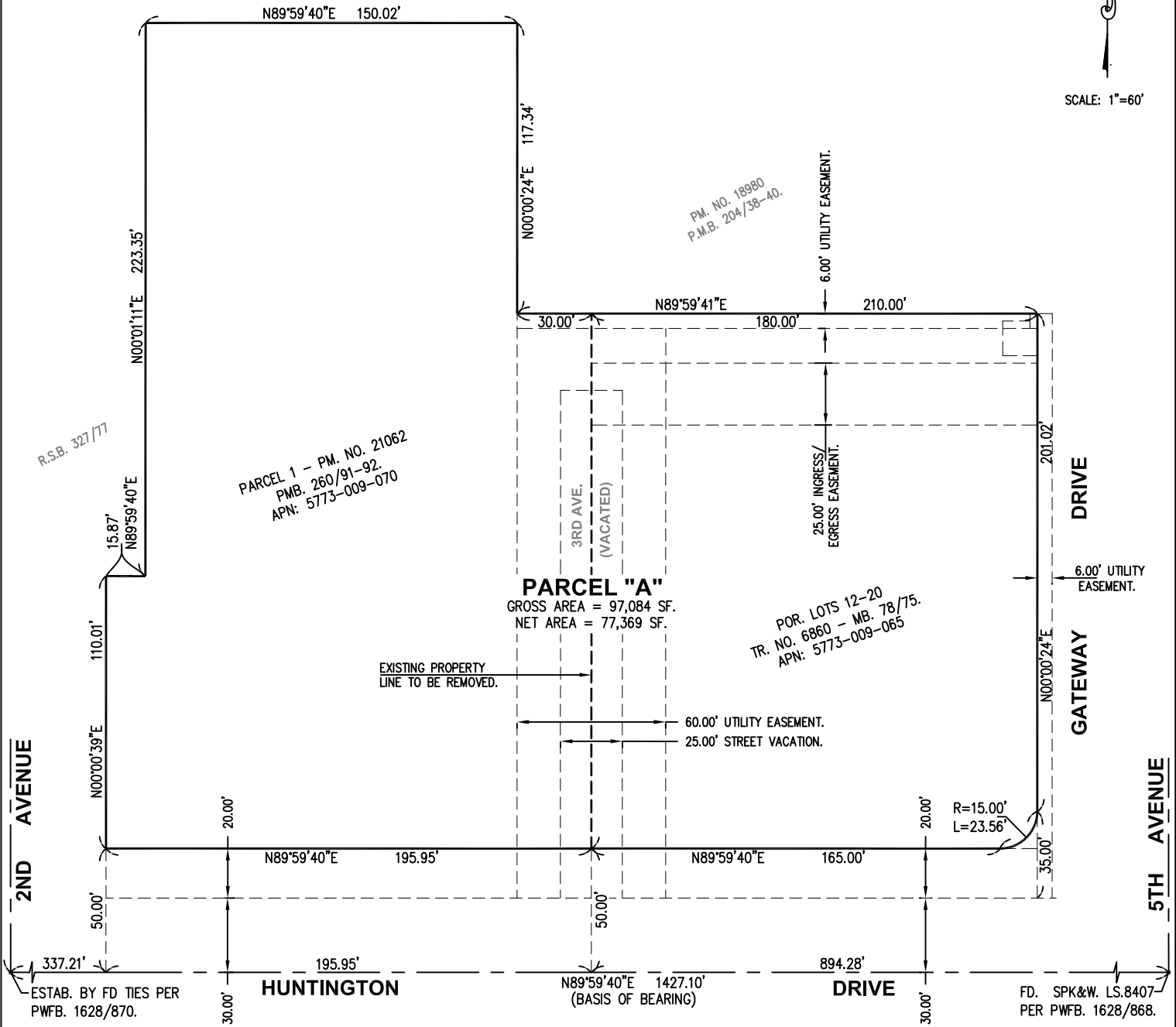
# Attachment No. 6

Lot Line Adjustment Plan

# EXHIBIT "B"

## LOT MERGER # \_\_\_\_\_

### PLAT MAP



**OWNER INFO.**

ELITE REAL ESTATE HOLDINGS LLC  
 233 E. HUNTINGTON DRIVE  
 ARCADIA, CA. 91006

**LEGEND**

- ⊕ — CENTERLINE
- P — NEW PROPERTY LINE
- - - - - EASEMENT LINE
- - - - - EXISTING PROPERTY LINE TO BE REMOVED

PREPARED BY:

**WRIGHT MAPPING, INC.**

8419 LYNDORA STREET  
 DOWNEY, CA. 90242  
 PH: 562-857-2768



JACOB R. WRIGHT  
 PLS. 8717, EXP. 6/30/24

DATE

**EXHIBIT "A"**  
**Lot Merger 22-\_\_\_\_\_**

All that certain real property situated in the County of Los Angeles, State of California, described as follows:

**PARCEL ONE:**

Parcel 1 of Parcel Map No. 21062, in the city of arcadia, county of Los Angeles, state of California, as per map filed in book 260, pages 91 and 92 of parcel maps, in the office of the county recorder of said county.

Together with Lots 12 thru 19, and the southerly 6.00 feet of parcel 20 of Tract Map 6860, in the City of Arcadia, County of Los Angeles, State of California, as per map filed in Book 78, Page 75 of maps, in the office of the County Recorder of said county.

Also including:

**PARCEL TWO:**

an easement appurtenant to Parcel one described above, as reserved in the deed to arcadia redevelopment agency, recorded May 3, 1988, Instrument no, 88-611807 of Official Records for ingress and egress being 25 feet wide over Lot 19 of Tract no. 6860, in the city of Arcadia, county of Los Angeles, state of California, per map recorded in book 78, page 75 of maps, in the office of the county recorder of said county more particularly described as follows:

beginning at a found point being the intersection of the center line of fifth avenue and Huntington drive, said point being a spike & washer, no tag, per Caltrans S.R. book 78-237/15, thence South 89° 59' 40" West, 894.28 feet to a point, said point being the intersection of the center line of third avenue vacated and said center line of Huntington drive said point being a punched boat spike, no tag, per L.A.C.F.C.D. F.B. 9635/95, thence North 0° 0' 24" East, 233.50 feet along the centerline of third avenue vacated to the true point of beginning, said point being the centerline of a 25 foot wide easement, thence North 89° degrees 59 minutes 40 seconds east, 180.67 feet more or less, to the westerly right of way of an unnamed street being 61.00 feet wide, the easement shall be 12.50 feet on both sides of the above described centerline.

**PARCEL THREE:**

an easement appurtenant to Parcel one described above, as created in the access easement agreement recorded April 18, 1988, as Instrument no. 88-611809 of Official Records for ingress and egress being 25 feet wide over a portion of third avenue vacated, being in the city of Arcadia, county of Los Angeles, state of California, more

particularly described as follows:

beginning at a found point being the intersection of the center line of fifth avenue and Huntington drive, said point being a spike & washer, no tag, per Caltrans S.R. book 78-237/15, thence South 89° 59' 40" West, 894.28 feet to a point, said point being the intersection of third avenue vacated and Huntington drive, said point being a punched boat spike, no tag, per L.A.C.F.C.D. F.B. 9635/95, thence North 0° 0' 24" East, 50.00 feet along the centerline of third avenue vacated to a point, said point being on the northerly right of way of said Huntington drive, said point being also the true point of beginning, thence North 00° 00' 24" East, 185.00 feet along the centerline of third avenue vacated. said easement shall be 12.50 feet on both sides of the above described centerline.

APN: 5773-009-065 & 070

The attached real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors' Act.

Signature   
Jacob Wright, LS 8717

Date 7/14/22





# Attachment No. 7

Architectural Plans and Renderings

**OPEN SPACE AREA SUMMARY**

RESIDENTIAL OPEN SPACE  
 REQUIRED OPEN SPACE: 10059 / RESIDENTIAL UNIT  
 # OF UNITS: 29  
 TOTAL REQUIRED AREA: 21400 SF

PROVIDED OPEN SPACE  
 PRIVATE OPEN SPACE: 7,030 SF  
 COMMON OPEN SPACE: 14,375 SF  
 TOTAL OPEN SPACE PROVIDED: 21405 SF

REFER TO OVERALL FLOOR PLAN SHEETS FOR DETAILED INFORMATION

**PARKING INFORMATION**

18 COMMERCIAL BICYCLE PARKING SPACES PROVIDED  
 43 RESIDENTIAL ENCLOSED SECURE BICYCLE PARKING SPACES PROVIDED

NOTE: 10% OF PARKING SPACES SHALL BE ELECTRIC VEHICLE CHARGING SPACES EQUIPPED WITH EV CHARGERS AND AN ADDITIONAL 20% SHALL BE EQUIPPED WITH ELECTRIC VEHICLE SUPPLY EQUIPMENT. ALL LOCATIONS TBD.

Use		Size (Units/SF/Seats)	Metric	Spaces Required	Spaces Provided
Residential	Studio	51 DU	1 space per unit	51	51
	1 bedroom apartment	105 DU	1 space per unit	105	105
	2 bedroom apartment	49 DU	1.5 space per unit	74	74
	Senior apartment (affordable)	9 DU	1 space per unit	9	9
	Subtotal	214 DU		239	239.1
Eating Establishment	The Derby Restaurant	12,850 SF	1 space per 100 SF (large rest)	129	129
	Complimentary Restaurant	3,300 SF	1 space per 100 SF (large rest)	33	33
	Café	1,400 SF	1 space per 200 SF (small rest)	7	7
	Outdoor seating	24 seats	1 space per 6 seats	4	4
	Subtotal	17,550 SF		173	173 <sup>1</sup>
<b>TOTAL REQUIRED</b>				<b>412</b>	<b>spaces</b>

<sup>1</sup> IN ADDITION TO THE 239 VEHICULAR PARKING SPACES, 11 MOTORCYCLE SPACES WILL ALSO BE PROVIDED FOR RESIDENTIAL USES.  
<sup>2</sup> 10 OF THE 173 COMMERCIAL SPACES WILL BE DEDICATED FOR VALET PARKING. IN ADDITION TO THE 173 VEHICULAR PARKING SPACES, 19 MOTORCYCLE SPACES WILL ALSO BE PROVIDED FOR COMMERCIAL USES, ALONG WITH 10 ON-STREET PARALLEL PARKING AND/OR LOADING SPACES ALONG HUNTINGTON DRIVE.

**SHEET INDEX**

COVER SHEET  
 CONTEXT PLAN  
 CONTEXT PHOTOS

**SHEET INDEX**

LEVEL FIVE FLOOR PLAN  
 LEVEL SIX FLOOR PLAN  
 TYP UNIT PLANS

**SHEET INDEX**

RENDERINGS  
 CIVIL  
 TECHNICAL SITE PLAN  
 PRELIMINARY GRADING PLAN  
 PRELIMINARY LID PLAN  
 PRELIMINARY UTILITY PLAN

**BASEMENT PLAN**

LEVEL ONE FLOOR PLAN  
 LEVEL TWO FLOOR PLAN  
 LEVEL THREE FLOOR PLAN  
 LEVEL FOUR FLOOR PLAN

**LANDSCAPE / ROOF PLAN**

BUILDING MATERIALS  
 BUILDING ELEVATIONS  
 BUILDING SECTIONS  
 AERIAL PERSPECTIVES



# THE DERBY MIXED-USE PROJECT

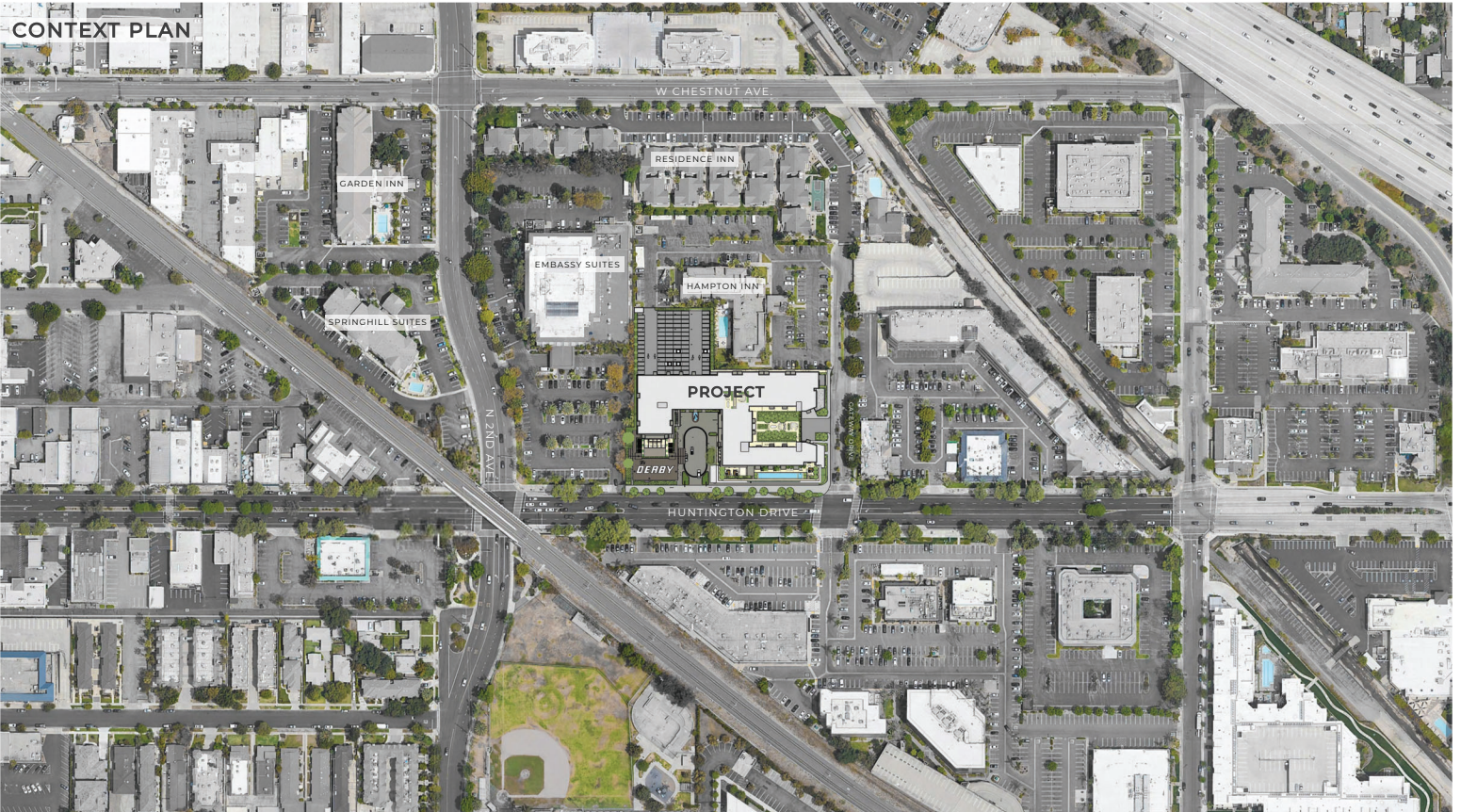
## CONCEPT DESIGN

PROJECT #: 2113  
 ISSUED: 07.10.2023



401 LINDEN STREET  
 SUITE 2-221  
 FORT COLLINS, CO.  
 80524  
 970-430-5220  
 ©2022

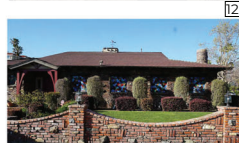
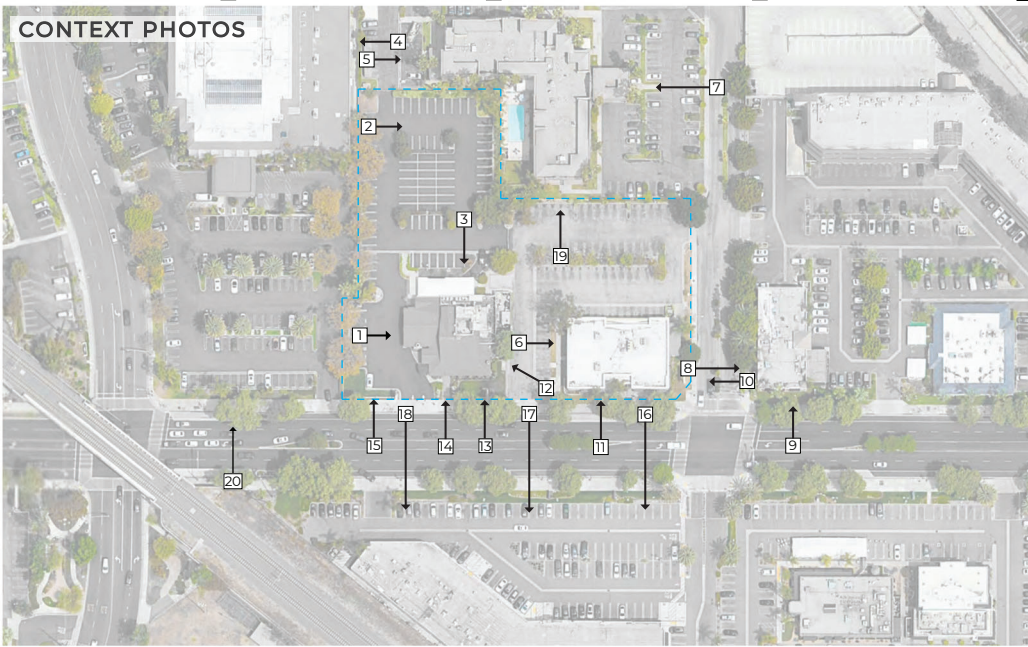
www.auworkshop.co



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PLANNING AND ZONING 07.25.22





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PLANNING AND ZONING 07.25.22





**BASEMENT PLAN**

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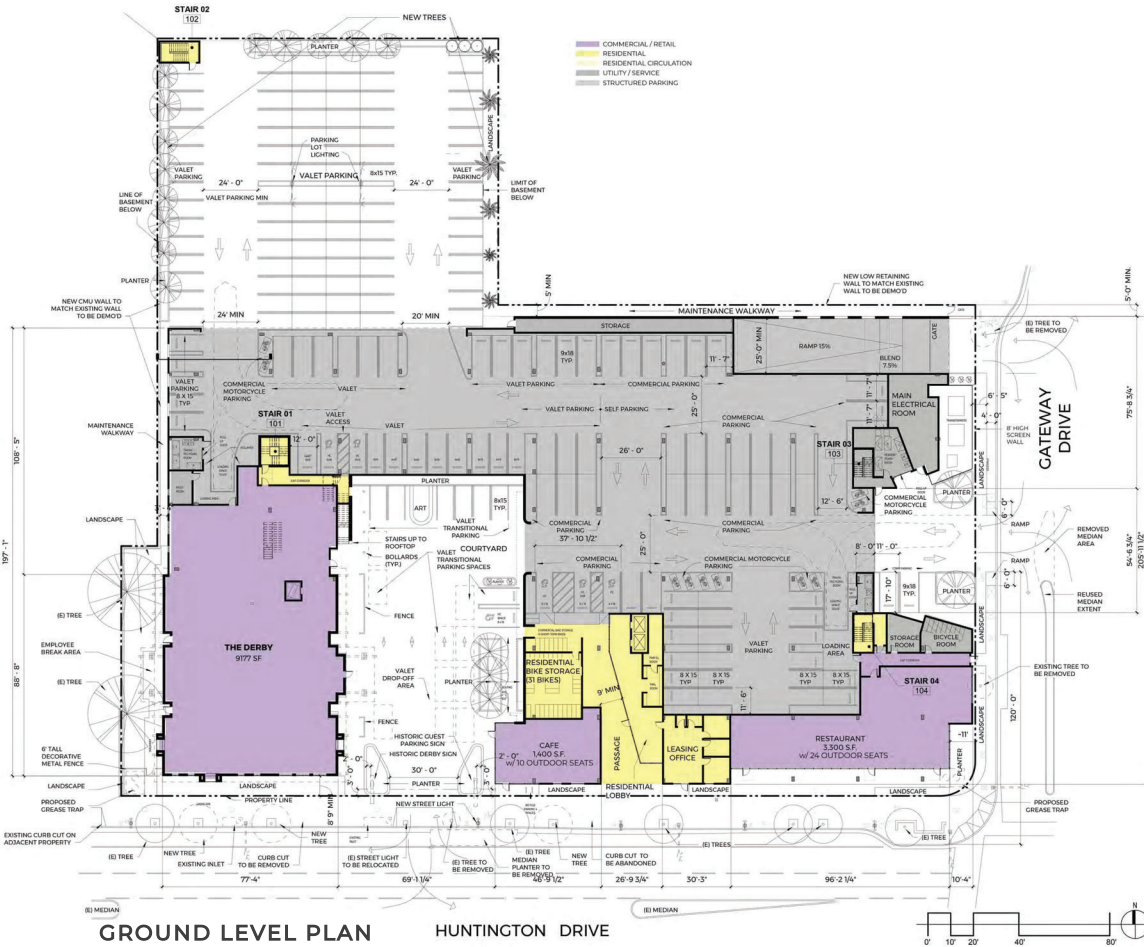
PLANNING AND ZONING 07.25.22

SALEM PARTNERS

auworkshop

TOP REALTY

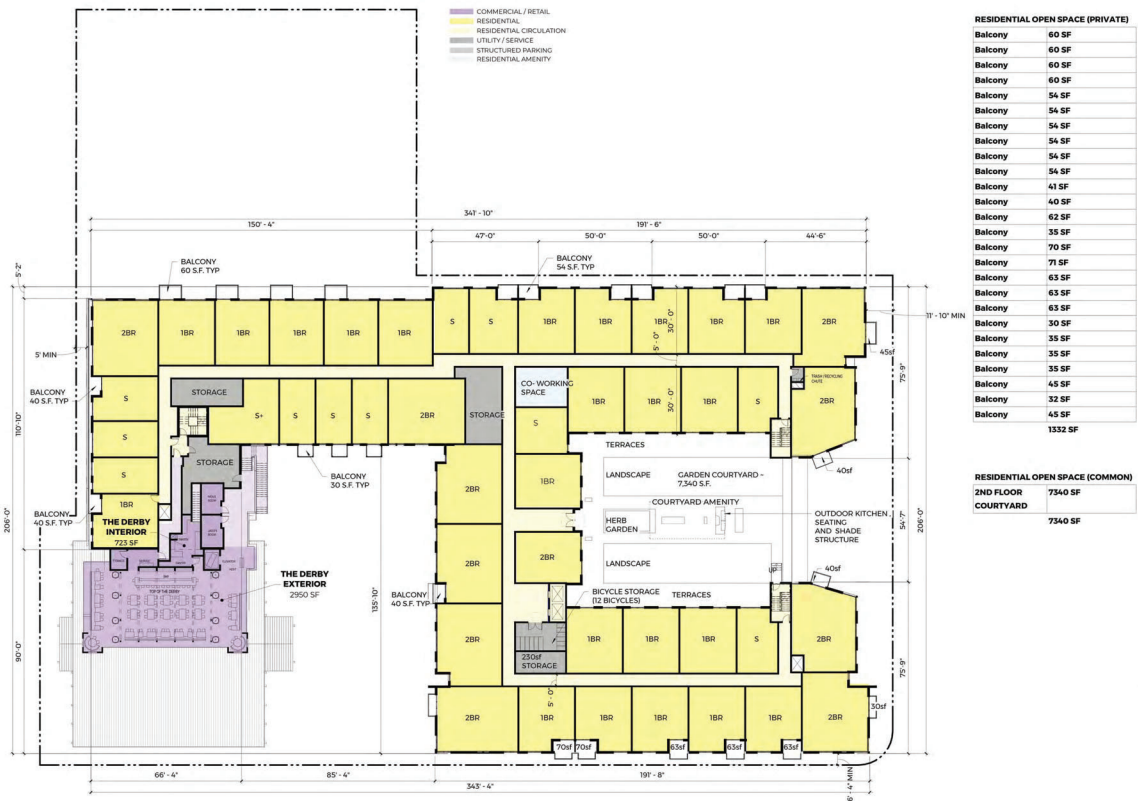
The World Famous **DERBY**



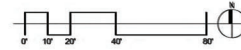
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LEVEL 2 PLAN



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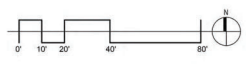




- COMMERCIAL / RETAIL
- RESIDENTIAL
- RESIDENTIAL CIRCULATION
- UTILITY SERVICE
- STRUCTURED PARKING
- RESIDENTIAL AMENITY

RESIDENTIAL OPEN SPACE (PRIVATE)	
Balcony	63 SF
Balcony	60 SF
Balcony	60 SF
Balcony	60 SF
Balcony	54 SF
Balcony	54 SF
Balcony	54 SF
Balcony	54 SF
Balcony	54 SF
Balcony	54 SF
Balcony	54 SF
Balcony	41 SF
Balcony	40 SF
Balcony	35 SF
Balcony	35 SF
Balcony	35 SF
Balcony	45 SF
Balcony	41 SF
Balcony	40 SF
Balcony	53 SF
Balcony	42 SF
Balcony	42 SF
Balcony	45 SF
Balcony	45 SF
BALCONY	254 SF
BALCONY	209 SF
1570 SF	
RESIDENTIAL OPEN SPACE (COMMON)	
POOL DECK	5116 SF
POOL DECK	844 SF
5960 SF	

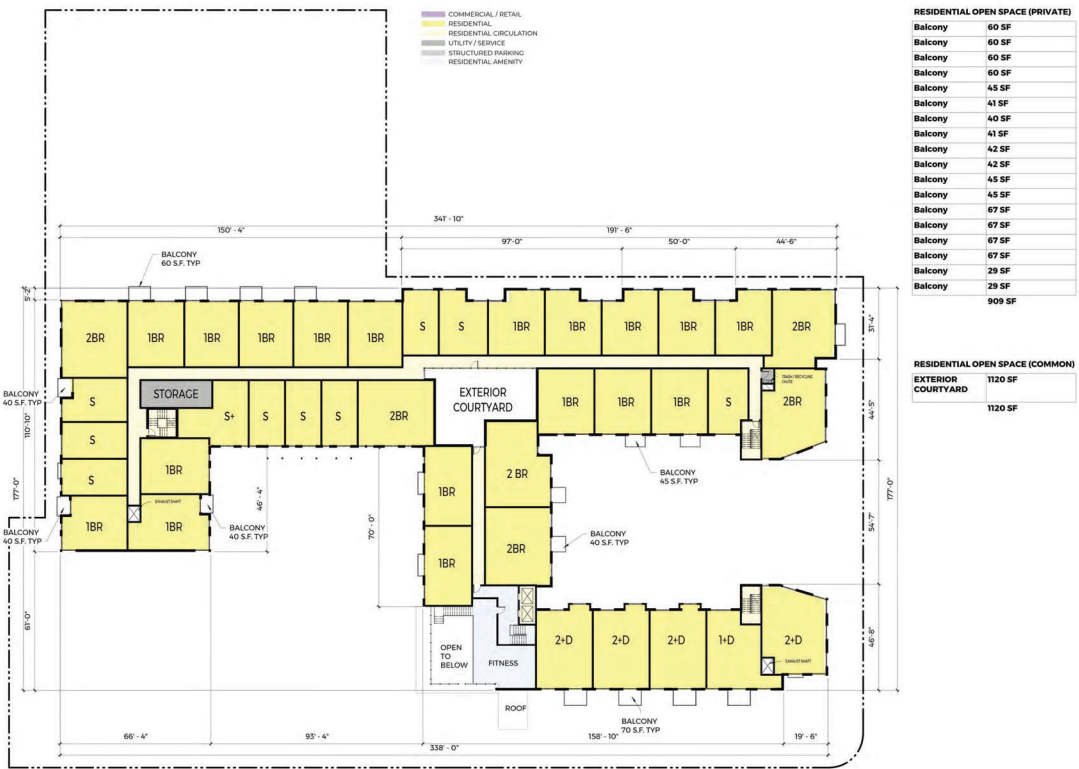
LEVEL 5 PLAN



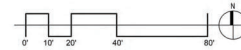
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LEVEL 6 PLAN



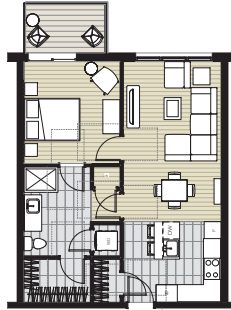
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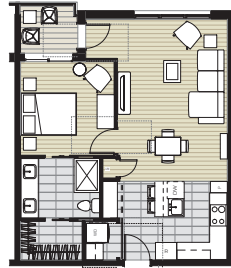




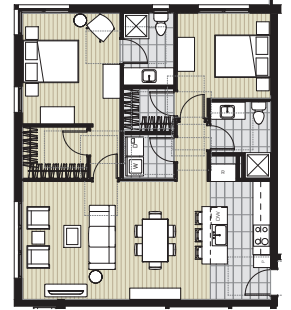
**STUDIO**  
3/8" = 1'-0" 400 SF AVG + 35 SF BALCONY



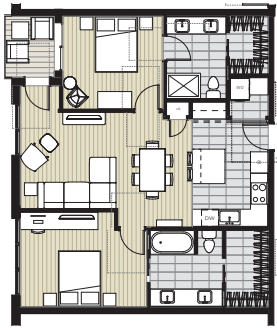
**ONE BEDROOM**  
3/8" = 1'-0" 660 SF AVG + 60 SF BALCONY



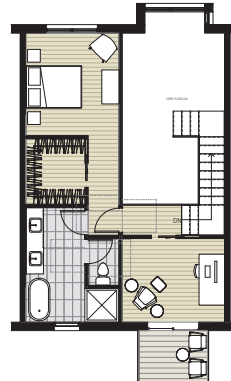
**ONE BEDROOM WITH INSET BALCONY**  
3/8" = 1'-0" 650 SF AVG + 40 SF BALCONY



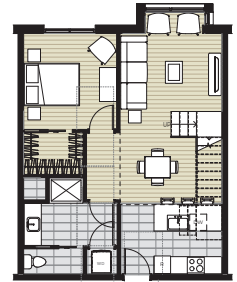
**TWO BEDROOM CORNER UNIT**  
3/8" = 1'-0" 980 SF AVG



**TWO BEDROOM**  
3/8" = 1'-0" 960 SF AVG + 40 SF BALCONY

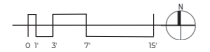


**TWO BEDROOM + DEN - LEVEL 2**  
3/8" = 1'-0" 525 SF AVG 1,200 SF TOTAL + 50 SF BALCONY



**TWO BEDROOM + DEN - LEVEL 1**  
3/8" = 1'-0" 675 SF AVG 1,200 SF TOTAL

**UNIT PLANS**



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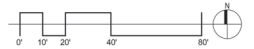
PLANNING AND ZONING 02.08.23



LANDSCAPE PLAN/ROOF PLAN



GROUND LEVEL LANDSCAPE AREA :	6,423 SF
SECOND LEVEL LANDSCAPE AREA :	3,813 SF
FIFTH LEVEL LANDSCAPE AREA :	1057 SF
TOTAL	11,304 SF



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PLANNING AND ZONING 07.25.22

















SALEM PARTNERS

auworkshop

TOP REALTY

The World Famous DERBY

## MATERIALS

	1. Three coat machine applied stucco (with projected imagery (night time only) at designated location)		5. Powder coated metal cornice with tongue and groove 'Kebony' wood soffit		9. New or re-used brick with gray mortar to match existing Derby		13. Brick veneer with matching mortar color to be determined
	2. Kynar finished steel board and batten system		6. Tongue and groove 'Kebony' wood panels		10. Standing seam metal roof		14. Back-lit water jet cut decorative metal screen
	3. Aluminum clad wood or fiberglass frames with dual glazed windows		7. Anodized aluminum greenhouse structure with glazed and metal panels, roll up doors and canvas curtains		11. Stained heavy timber post and beam on stone and brick base		15. Sacked concrete column
	4. Powder coated steel balconies and railings		8. Asphaltic shingles with contrasting asphaltic shingles at name area		12. Decorative translucent glass openings		16. New or re-used stained glass windows

## SOUTH ELEVATION



THE DERBY MIXED USE PROJECT • ARCADIA, CALIFORNIA

PLANNING AND ZONING 07.25.22



WEST ELEVATION



EAST ELEVATION



THE DERBY MIXED USE PROJECT • ARCADIA, CALIFORNIA

PLANNING AND ZONING 07.25.22





**THE DERBY MIXED USE PROJECT · ARCADIA, CALIFORNIA**

PLANNING AND ZONING: 07.25.22





17. Stained wood boards and battens



18. Pool



19. Ornamental Lawn Jockey



20. San Anita style wood fence



21. Bronze Statue



22. Original refurbished signage



23. Gas powered brick fireplace with window on both sides

### DERBY COURTYARD SECTION



### POOL SECTION





VIEW FROM NORTHWEST



VIEW FROM NORTHEAST



VIEW FROM SOUTHWEST



VIEW FROM SOUTHEAST



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OVERALL VIEW FROM SOUTHWEST



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SALEM PARTNERS

auworkshop

TOP  
REALTY

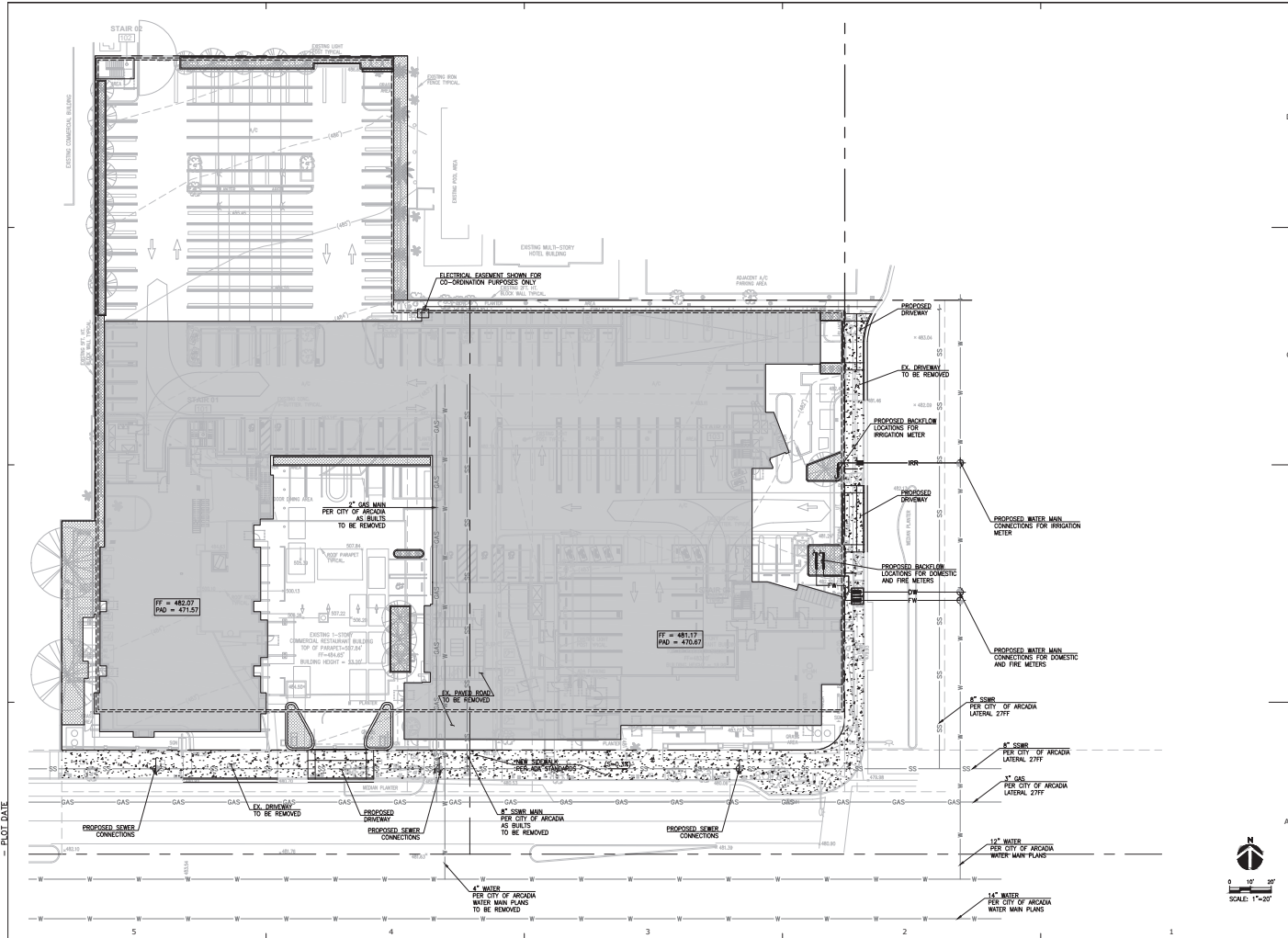
The World Famous  
DERBY



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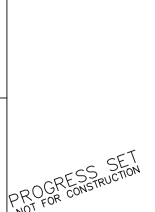
PLANNING AND ZONING 07.25.22





**LFA**  
 LFB Associates  
 Structural / Civil Engineers  
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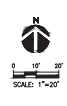
**THE DERBY  
 MIXED-USE  
 PROJECT**

233 E HUNTINGTON DR.  
 ARCADIA, CA 91006

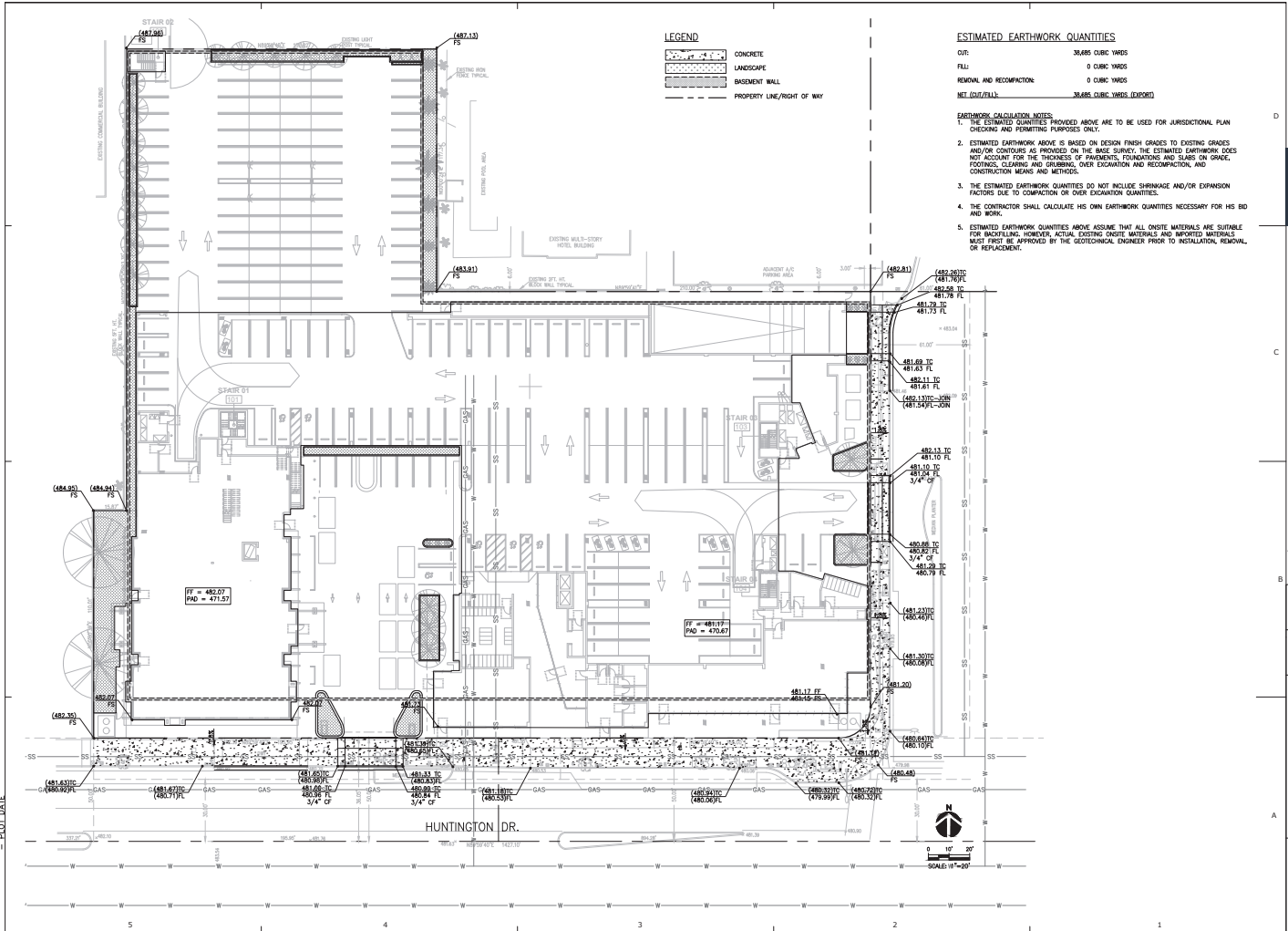
PROJECT # 2113  
 ISSUE DATE: 03.24.2022

TECHNICAL SITE  
 PLAN  
**C000**

PROGRESS SET  
 NOT FOR CONSTRUCTION



PLOT DATE



314 Main St.  
 El Segundo, California 90245  
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 F: 310/339 9699  
 LFA Job No: 22405

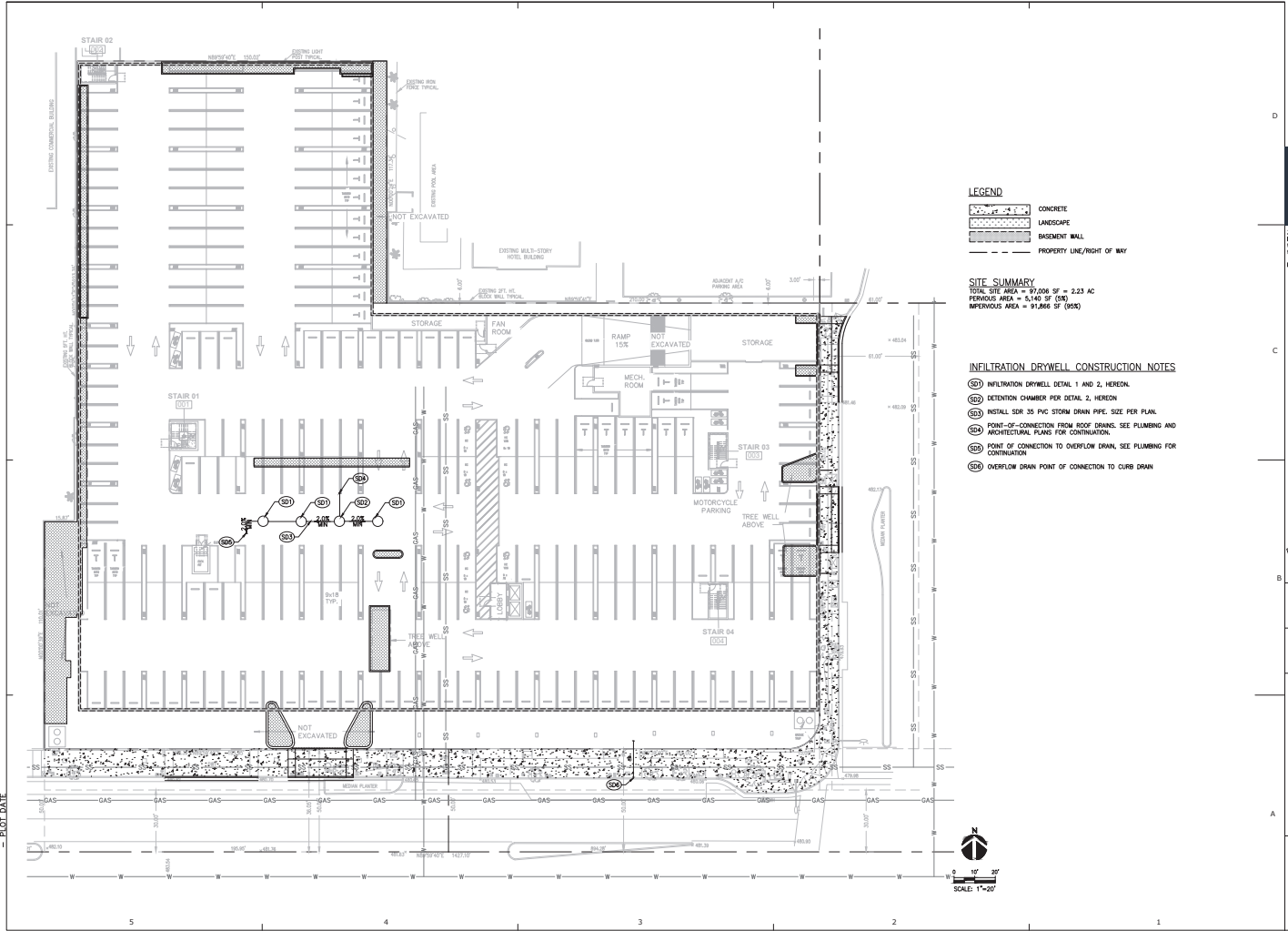


PROGRESS SET  
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**THE DERBY  
 MIXED-USE  
 PROJECT**  
 233 E HUNTINGTON DR.  
 ARCADIA, CA 91006

PROJECT # 2113  
 ISSUE DATE: 03.24.2022  
 PRELIMINARY  
 GRADING PLAN  
**C210**



**LEGEND**

- CONCRETE
- LANDSCAPE
- BASEMENT WALL
- PROPERTY LINE/RIGHT OF WAY

**SITE SUMMARY**  
 TOTAL SITE AREA = 99,006 SF = 2.23 AC  
 PERVIOUS AREA = 6,140 SF (6%)  
 IMPERVIOUS AREA = 92,866 SF (94%)

**INFILTRATION DRYWELL CONSTRUCTION NOTES**

- 1. INFILTRATION DRYWELL DETAIL 1 AND 2, HEREON.
- 2. DETENTION CHAMBER PER DETAIL 2, HEREON.
- 3. INSTALL SDR 35 PVC STORM DRAIN PIPE, SIZE PER PLAN.
- 4. POINT-OF-CONNECTION FROM ROOF DRAINS. SEE PLUMBING AND ARCHITECTURAL PLANS FOR CONTINUATION.
- 5. POINT OF CONNECTION TO OVERFLOW DRAIN, SEE PLUMBING FOR CONTINUATION.
- 6. OVERFLOW DRAIN POINT OF CONNECTION TO CURB DRAIN.



LFA  
 Labib Funk & Associates  
 Registered Civil Engineers  
 Burnett & Young  
 Young Engineers

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 El Segundo, California 90245  
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 LFA Job no: 22405

**PROGRESS SET  
 NOT FOR CONSTRUCTION**

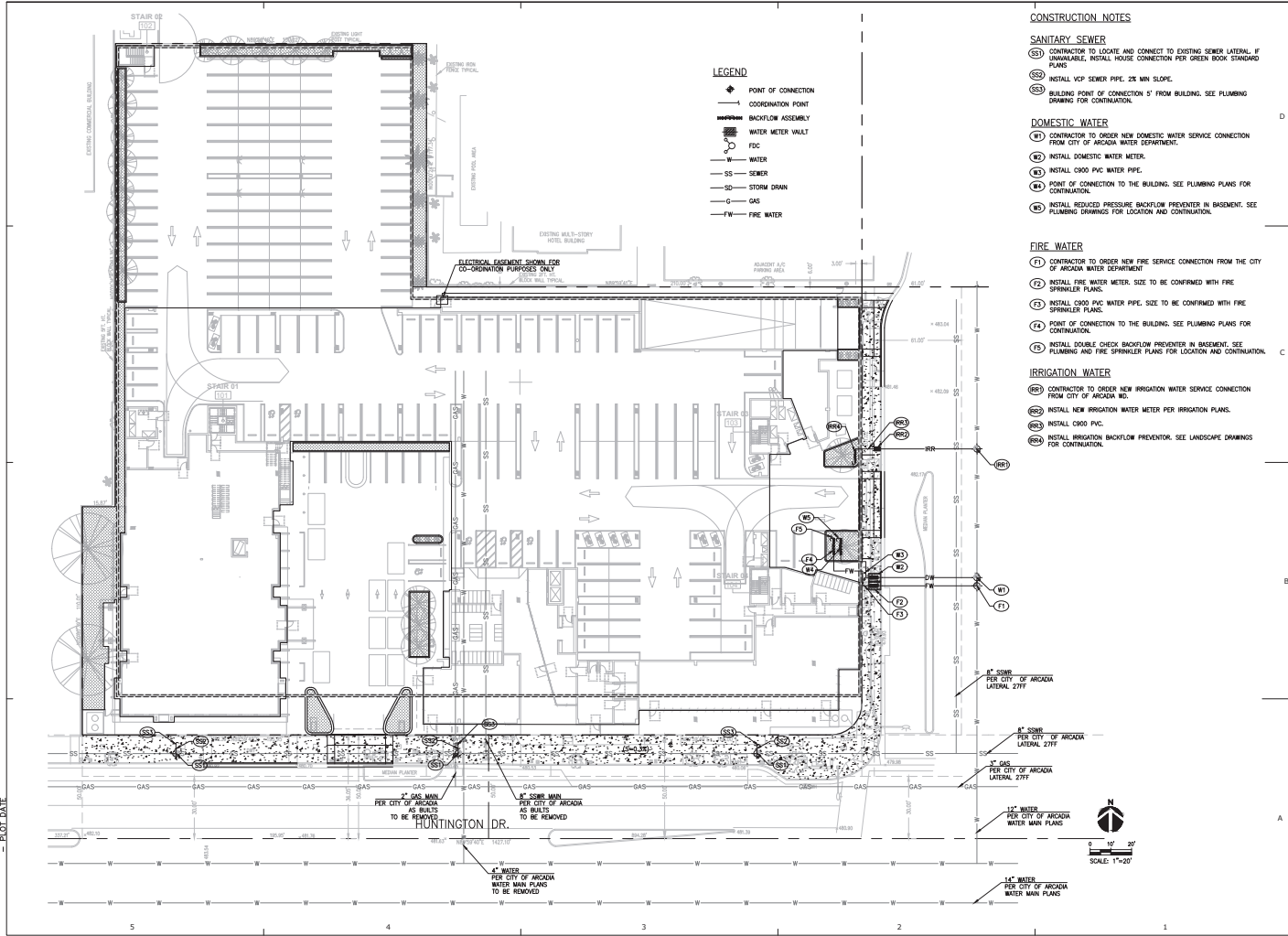
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 PROJECT**

233 E HUNTINGTON DR.  
 ARCADIA, CA 91006

PROJECT # 2113  
 ISSUE DATE: 03.24.2022

PRELIMINARY LID  
 PLAN  
**C300**



**CONSTRUCTION NOTES**

**SANITARY SEWER**

- (S1) CONTRACTOR TO LOCATE AND CONNECT TO EXISTING SEWER LATERAL. IF UNAVAILABLE, INSTALL HOUSE CONNECTION PER GREEN BOOK STANDARD PLANS
- (S2) INSTALL VCP SEWER PIPE. 2% MIN SLOPE.
- (S3) BUILDING POINT OF CONNECTION 5' FROM BUILDING. SEE PLUMBING DRAWING FOR CONTINUATION.

**DOMESTIC WATER**

- (W1) CONTRACTOR TO ORDER NEW DOMESTIC WATER SERVICE CONNECTION FROM CITY OF ARCADIA WATER DEPARTMENT.
- (W2) INSTALL DOMESTIC WATER METER.
- (W3) INSTALL C900 PVC WATER PIPE.
- (W4) POINT OF CONNECTION TO THE BUILDING. SEE PLUMBING PLANS FOR CONTINUATION.
- (W5) INSTALL REDUCED PRESSURE BACKFLOW PREVENTER IN BASEMENT. SEE PLUMBING DRAWINGS FOR LOCATION AND CONTINUATION.

**FIRE WATER**

- (F1) CONTRACTOR TO ORDER NEW FIRE SERVICE CONNECTION FROM THE CITY OF ARCADIA WATER DEPARTMENT
- (F2) INSTALL FIRE WATER METER. SIZE TO BE CONFIRMED WITH FIRE SPRINKLER PLANS.
- (F3) INSTALL C900 PVC WATER PIPE. SIZE TO BE CONFIRMED WITH FIRE SPRINKLER PLANS.
- (F4) POINT OF CONNECTION TO THE BUILDING. SEE PLUMBING PLANS FOR CONTINUATION.
- (F5) INSTALL DOUBLE CHECK BACKFLOW PREVENTER IN BASEMENT. SEE PLUMBING AND FIRE SPRINKLER PLANS FOR LOCATION AND CONTINUATION.

**IRRIGATION WATER**

- (I1) CONTRACTOR TO ORDER NEW IRRIGATION WATER SERVICE CONNECTION FROM CITY OF ARCADIA IRI.
- (I2) INSTALL NEW IRRIGATION WATER METER PER IRRIGATION PLANS.
- (I3) INSTALL C900 PVC.
- (I4) INSTALL IRRIGATION BACKFLOW PREVENTOR. SEE LANDSCAPE DRAWINGS FOR CONTINUATION.



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 LFA Job no: 22405



PROGRESS SET  
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**THE DERBY  
 MIXED-USE  
 PROJECT**

233 E HUNTINGTON DR.  
 ARCADIA, CA 91006

PROJECT # 2113  
 ISSUE DATE: 03.24.2022

PRELIMINARY  
 UTILITY PLAN  
**C400**



# Attachment No. 8

Derby Parking Management/Valet Parking  
Operations Memo

## MEMORANDUM

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**To:** Fiona Graham, City of Arcadia  
**From:** Lisa Valdez, Senior Transportation Planner  
Amanda Meroux, EIT, Assistant Transportation Engineer  
**Subject:** The Derby Parking Management/Valet Parking Operations Analysis  
**Date:** July 2023  
**cc:** Linda Vidov, Top Commercial Realty

---

Dudek has prepared the following Parking Management/Valet Parking Operations analysis for the proposed Derby Mixed-Use Project (proposed project or project) in the City of Arcadia (City). The project includes 214 multi-family units, modifications to the existing Derby Restaurant, plus additional restaurant square footage. The project is proposing surface parking and basement level parking, with a combination of self-parking and valet parking. The project is also seeking reductions in the City's parking standards (e.g. stall dimensions). The following analysis describes the City's Municipal Code requirements; describes how the proposed parking layout and valet operations would function; and provides recommendations to facilitate the proposed parking capacity and circulation.

## Project Description

The project site is located on the northwest corner of Huntington Drive and Gateway Drive in Downtown Arcadia (Figure 1). The project's components are described below, and the site plan is shown in Figure 2.

### Commercial

Two restaurants currently occupy the 2.23-acre site, including The Derby Restaurant and a closed Souplantation restaurant. Approximately 17,550 square feet (SF) of new space will be provided including:

1. The Derby, Derby Collection and second level indoor/outdoor bar: 12,850 SF
2. A new restaurant with the potential for sidewalk dining: 3,300 SF
3. A coffee shop/café, also with the potential for sidewalk and courtyard seating: 1,400 SF

### Residential

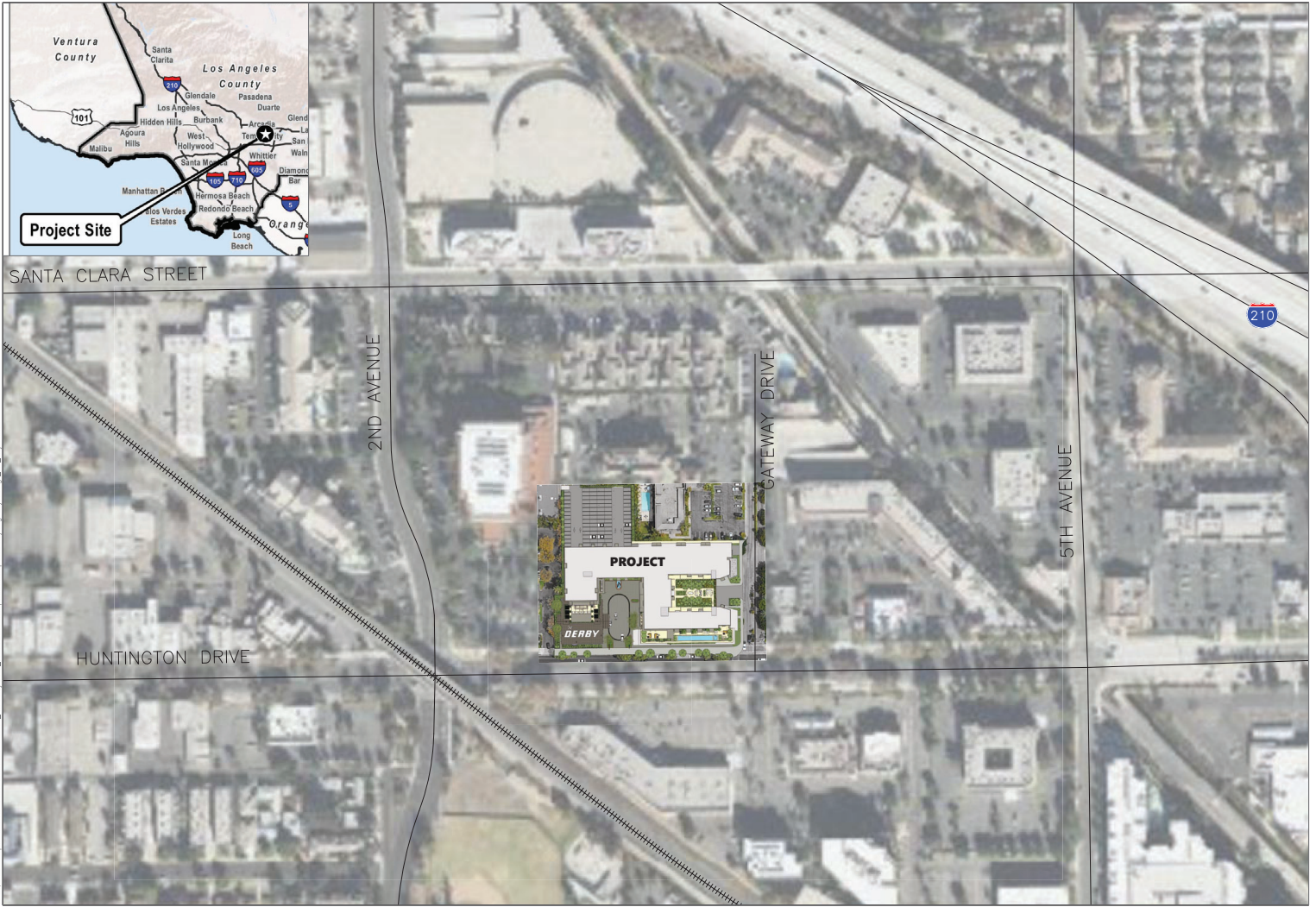
The project is proposing 214 for-rent units with a mix of studio, one-bedroom and two-bedroom units. The units will be situated on five stories above the restaurants (except that The Derby will have no residential units above any of the front-of-house areas). The total includes 9 affordable units targeted for seniors. A ground level street-fronting lobby and associated arrival, leasing and mailroom areas will be provided with pedestrian access directly from

Huntington Drive. Primary amenities include a pool and club areas at level five (with approximately 6,000 SF of exterior open space) and a garden with additional amenities at a 6,500 SF landscaped courtyard on the second level.

### **Access and Parking**

Residential tenant parking will be provided at the basement level with a separate secure access from Gateway Drive. Ground floor parking areas will be predominately valet serviced and reserved for the restaurant uses and residential visitors.

Primary access for the commercial parking will be from two points. The first access point is along Huntington Drive approximately 50 feet east of the curb cut for the existing Derby. This revised access point will enter an off-street valet drop-off and pick-up courtyard area. The second access point will be via a curb-cut that will also accommodate service uses from Gateway Drive that will be approximately 120 feet from the Huntington Drive intersection and approximately 60 feet from the residential basement parking access ramp. Further discussion of all valet operations and parking areas is provided later in this memorandum.

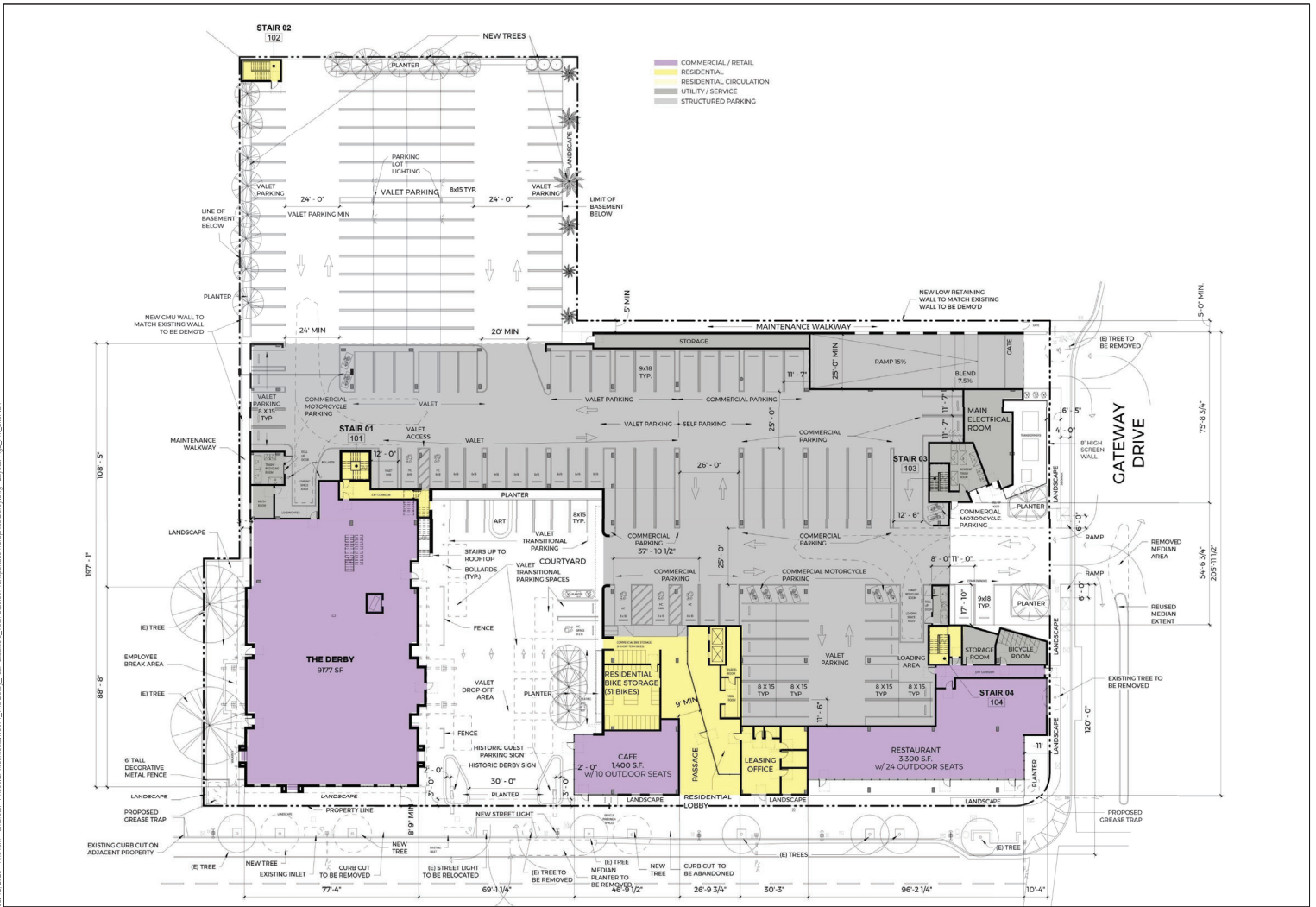


SOURCE: Bing Maps; [au]workshop 2022

**DUDEK**  NOT TO SCALE

**Figure 1**  
**Project Location**  
 Derby Mixed Use Project

Jul 12, 2023, 11:24am - P:\300\Environmental\11871\_The Derby\_Fac\_SitePlan\Transposition\Graphics\Derby.dwg Layout: E:\G\_Plan\_SitePlan



SOURCE: [auj]workshop 2023

**DUDEK** NOT TO SCALE

**Figure 2**  
**Proposed Site Plan**  
Derby Mixed Use Project

## City Parking Requirements

Table 1 presents the City’s parking requirements for the existing and proposed land uses on-site per the City of Arcadia Municipal Code Section 9103.07 *Off-Street Parking and Loading*. Because of the project’s proximity to the Arcadia Metro L Line Station (within a half-mile) and the dedication of 9 units for senior affordable housing, the project qualifies for the parking reductions under the State Density Bonus program (Government Code 65915). Table 1 reflects these parking reductions.

**Table 1. City of Arcadia Municipal Parking Code (With Density Bonus)**

Land Use		Parking Spaces Required
Mixed-Use Residential <sup>1</sup>	Studio and One bedroom	1 space per unit
	Two and Three Bedrooms	1.5 spaces per unit
	Affordable units	1 space per unit
Restaurant	Small <sup>2</sup>	1 space per 200 SF
	Large <sup>3</sup>	1 space per 100 SF
	Outdoor <sup>4</sup>	1 space per 6 seats

Source: [Section 9103.07 - Off-Street Parking and Loading | Code of Ordinances | Arcadia, CA | Municode Library.](#)

Notes: SF = Square Feet

1. Guest parking requirements included in the parking rates above per the State Density Bonus.
2. Small restaurant: Establishments where food and beverages may be consumed on the premises, taken out, or delivered, where the total space dedicated to the use is 2,000 square feet or less.
3. Large restaurant: Establishments where food and beverages may be consumed on the premises, taken out, or delivered, where the total space dedicated to the use is greater than 2,000 square feet.
4. Incidental and Outdoor Dining on Public Property with more than 12 seats or a number of outdoor seats equivalent to 25% of the number of indoor seats, whichever is greater

### Parking Provided

The proposed land uses, square footages, and number of units were reviewed to determine the number of spaces required per the City’s Municipal Code. The required number of parking spaces is summarized in Table 2.

**Table 2. Required Parking Spaces by Use (With Density Bonus)**

Use		Size (Units/SF/Seats)	Metric	Spaces Required	Spaces Provided
Residential	Studio	51 DU	1 space per unit	51	51
	1 bedroom apartment	105 DU	1 space per unit	105	105
	2-bedroom apartment	49 DU	1.5 space per unit	74	74
	Senior apartment (affordable)	9 DU	1 space per unit	9	9

**Table 2. Required Parking Spaces by Use (With Density Bonus)**

Use		Size (Units/SF/Seats)	Metric	Spaces Required	Spaces Provided
	<i>Subtotal</i>	<i>214 DU</i>		<b>239</b>	<b>239<sup>1</sup></b>
<b>Eating Establishment</b>	The Derby Restaurant	12,850 SF	1 space per 100 SF (large rest.)	129	129
	Complimentary Restaurant	3,300 SF	1 space per 100 SF (large rest.)	33	33
	Café	1,400 SF	1 space per 200 SF (small rest.)	7	7
	Outdoor seating	24 seats	1 space per 6 seats	4	4
	<i>Subtotal</i>	<i>17,550 SF</i>		<b>173</b>	<b>173<sup>2</sup></b>
<b>TOTAL REQUIRED</b>				<b>412 spaces</b>	
<b>SPACES PROVIDED</b>				<b>412 spaces<sup>3</sup></b>	

1. In addition to the 239 vehicular parking spaces, 11 motorcycle spaces will also be provided for residential uses.
2. In addition to the 173 vehicular parking spaces, 10 motorcycle spaces will also be provided for commercial uses, along with 10 on-street parallel parking and/or loading spaces along Huntington Drive.
3. Including additional motorcycle and transitional valet spaces, a total of 28 additional parking spaces are available across the project site.

As shown, the proposed project is required to provide 239 parking spaces per Code for the residential land uses and 173 spaces per code for the restaurant uses, for a total of 412 required spaces. The project is proposing 239 dedicated parking spaces for the residential uses at the basement level, and therefore meets the required residential parking. Additionally, the project is proposing 173 spaces for restaurant uses at the ground level, and therefore meets the required commercial parking per Code.

The proposed motorcycle parking (11 spaces for the residential uses and 10 spaces for the commercial uses) has not been included in the parking calculations as it cannot be applied towards the City’s parking requirements. Additionally, seven striped transitional valet parking spaces in the courtyard are also provided but are not considered towards the City’s parking requirements.

The Derby Restaurant currently operating on the project site has been using full valet service for years, establishing valet service as the expectation for the restaurant’s patrons. Of the 173 required commercial parking spaces, 33 spaces will be allotted to self-parking, and 140 spaces will be allotted to valet parking. The Derby Restaurant’s required parking totals 129 spaces, and the complementary restaurant and café uses have a parking requirement of 44 spaces. Although valet service was not provided for the previous Souplantation that existed on the site, the project is proposing availability of valet services to all restaurant patrons. As such, during peak operating times, up to 11 patrons (44 – 33 = 11) of the complementary restaurant and café uses may need to use valet parking services.

The restaurant parking will be managed through the valet parking plan, as described in the following section.

## On-Site Parking Operations

Figure 3 illustrates the valet parking layout, drop-off areas, and on-site circulation, including the number of spaces within each area. As previously noted, residential tenant parking will be provided at the basement level with a separate secure access from Gateway Drive and meets the City's parking requirements. Therefore, this analysis focuses on the ground floor parking areas that will be predominately valet serviced and reserved for the restaurant uses and residential visitors. For the purposes of this analysis, the parking lot has been divided into separate areas to simplify the analysis. These areas are also identified on Figure 3.

### Self-Parking

Self-parking requires a guest to find a place to park their own vehicle. Access to the self-parking area will be from a new driveway on Gateway Drive, located approximately 120 feet north of Huntington Drive. The driveway will provide access to the 32 self-parking spaces within the easternmost portion of the parking garage, with one (1) ADA compliant parking space provided in the courtyard. Self-parking will be available for both the café and complementary restaurant patrons and visitors to the residences.

### Recommendations

The following recommendations are made to facilitate movement both within the parking structure and prior to entering the site, especially when self-parking areas are full. Patrons wanting to self-park should be made aware of parking conditions prior to entering the parking garage to minimize time driving within the garage to look for a space.

- Space counters are recommended to be installed for all self-park spaces, and dynamic parking displays should be placed at the Gateway Drive garage driveway entrance indicating the number of self-park spaces occupied and available within the garage.
- Signage directing patrons to the self-parking garage entrance on Gateway Driveway should be placed along Huntington Drive. In the event a patron turns into the parking garage from Gateway Drive when all self-parking spaces are full, signage should be placed within the central drive aisle directing drivers to valet parking in the courtyard such that vehicles limit the amount of time they are circulating through the parking garage trying to look for a space. Additional measures to mark each self-parking space (e.g., green/red overhead lights at each self-parking stall indicating whether it is free/occupied) would also be recommended.
- To reduce conflict between self-parking patrons and valet operations within the courtyard, signage should be placed within the parking garage directing vehicles to exit to Gateway Drive.
- All self-parking stalls should be clearly marked. It is also recommended that signage should be placed at each self-parking stall, and visible along Huntington Drive, indicating that self-parking is not available for the Derby Restaurant customers. All Derby patrons will be instructed to use valet parking.



## Valet Operations

### Existing Operations

The Derby Restaurant has been operating with all valet parking for several years and serves as the standard their patrons expect. Currently, valet drop-off/pick-up is located at one position in the middle of The Derby parking lot drive aisle, approximately 100 feet from the existing curb cut on Huntington Drive. An historic “Guest Parking” sign directs patrons into the valet drop-off area. The number of valet attendants working at one time varies depending on the time of year and day of the week. Typical valet operations throughout the year are summarized below:

- Monday – closed
- Tuesday, Thursday, Sunday
  - Summer (June to September) – Two valets
  - Fall, Winter, Spring (September to June) – Three valets
- Friday, Saturday
  - Summer (June to September) – Three valets
  - Fall, Winter, Spring (September to June) – Four valets

In addition, during the month of December, The Derby Restaurant is typically only open for lunch, with three to four valet attendants working during that time. Depending on the number of reservations, one extra valet might be added to Friday, Saturday, and Sunday December operations.

### Proposed Operations

#### Drop-off/Pick-up

Based on the increase in square footage of The Derby and new restaurant and café uses, valet operations will be expanded to meet proposed demand. Final valet operations, including the exact number of valet attendants working throughout the year, will be ultimately determined by the valet company hired to work the site. However, based on the layout of the site and proposed project characteristics, proposed valet operation assumptions are described below. Valet attendants will be working when any restaurant or café uses are open.

During peak operations when all restaurant and café uses are operating on-site, it is assumed that at least four to five valets may be working at one time, with one valet always stationed at the main courtyard valet booth to operate drop-off and pick-up activities, and three to four valets parking/retrieving vehicles within the parking garage.

Valet parking will be facilitated by a single drop-off and pick-up point conveniently located outside the main Derby entrance. Guests hand off their keys to a professional parking assistant who secures their vehicle for them and retrieves it before their departure. The valet service will not park any vehicles for other adjacent, off-site uses, and its operations will be kept hidden from adjacent streets. Restaurant patrons will enter from the relocated driveway on Huntington Drive (approximately 50 feet east of the existing curb cut for The Derby) and enter an off-street valet drop-off and pick-up courtyard area. The historic Derby Guest Parking sign will be retained from the existing site and placed at the courtyard entrance.

During peak operating times, the courtyard area will be able to accommodate up to approximately 20 active and parked vehicles simultaneously. As shown on the site plan in Figure 3, Commercial Parking Areas, seven striped transitional parking spaces are labeled in the courtyard, with additional space for at least 10 more vehicles to circulate through the courtyard while vehicles are being dropped-off or picked-up.

After a patron drops off their vehicle, the valet operators will then either place the vehicle in a transitional space while attending to other patrons prior to moving the vehicle into the parking garage, or immediately relocate the vehicle into the garage, as described below. All vehicles driven by valets into and out of the parking garage will utilize the internal parking garage entrance located on the eastern side of the courtyard.

### **Valet Parking Areas**

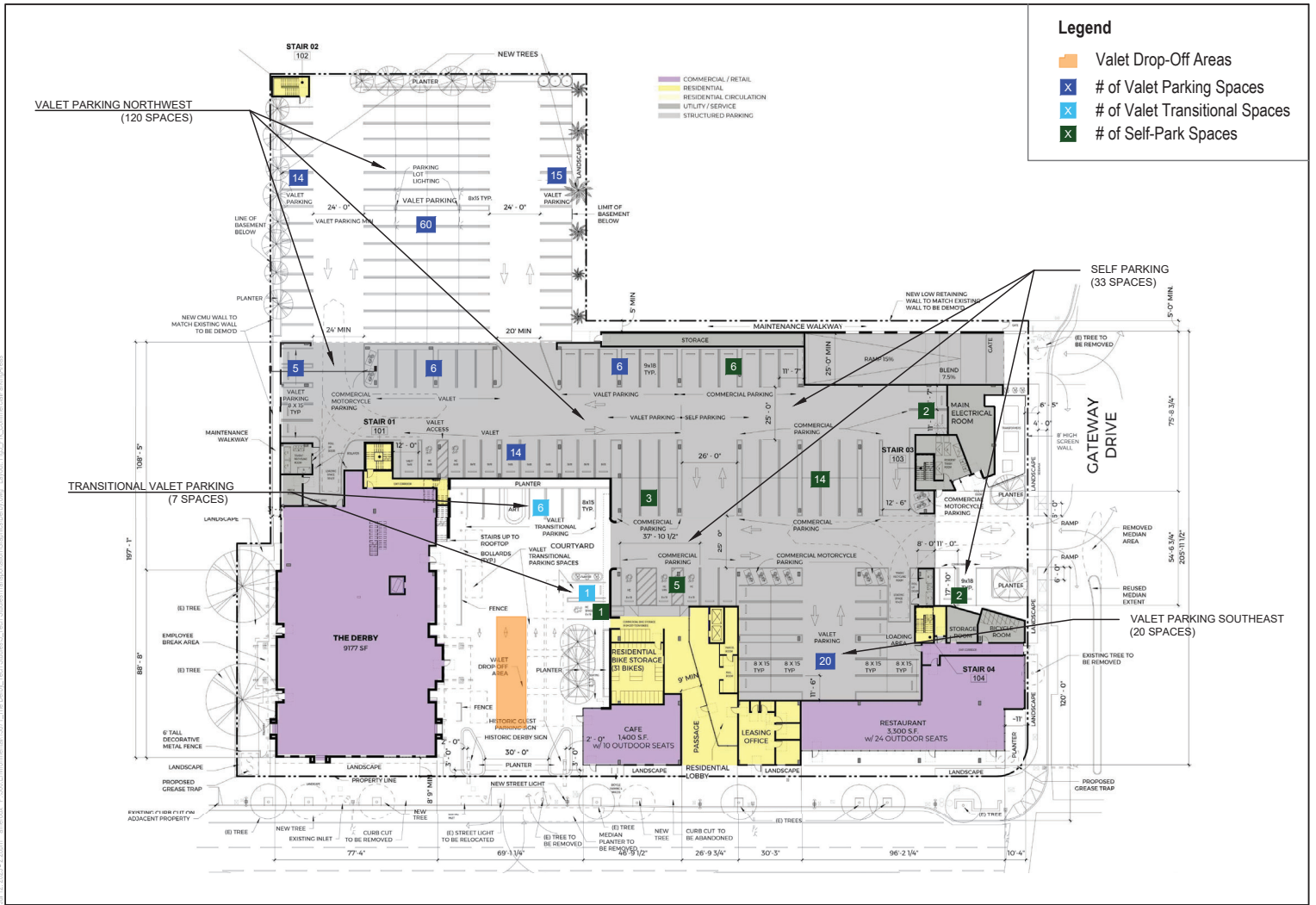
Within the northwestern portion of the parking lot, 14 (8'x15') standard spaces will be provided along the western edge of the parking area and 15 (8'x15') standard spaces will be provided along the eastern edge of the parking area. Within the center of this area, 60 (8'x15') spaces will be designated as tandem spaces, oriented in rows of four spaces. Two, 24-foot driveway aisles will serve the tandem spaces, one on each side of the row, allowing valets to access vehicles from either side. For these tandem spaces, only one vehicle (maximum) would need to be moved (by the valet) to access another vehicle. South of this area, an additional five (8'x15') standard valet spaces will be provided along the western wall, 14 (9'x18' or 8'x18') standard spaces along the southern garage wall, and 12 (9'x18') standard spaces opposite this wall. Figure 3 identifies these valet parking areas.

An additional 20 valet parking spaces will be provided in the southeastern corner of the parking garage, including four (8'x15') standard spaces, and 16 (8'x15') tandem spaces. As with the tandem parking spaces in the northern area of the garage, only one vehicle would need to be moved by the valet to access another vehicle.

### **Recommendations**

The following recommendations are made to facilitate valet operations, and maximize the on-site parking efficiency for all users:

- In addition to the historic Guest Parking sign located at the primary courtyard entrance, additional signage indicating “Valet Parking Only” should be provided at the courtyard entrance.
- A temporary valet parking booth should be situated within the courtyard area (similar to that used under existing operations). Valet attendants and signage would be used to urge vehicles to pull forward fully towards the valet booth at the entrance of the drop-off area, and into any transitional spaces within the courtyard if needed.
- Overhead signage indicating “Valet Parking Only” is recommended to be installed in the parking garage at the locations separating the southeastern valet parking area, as well as the northwestern valet parking area to reduce the mixing of self-parking vehicles and valet operations throughout the site.
- When valet operations are completed for the day, permanent valet signs should be covered by the valets, and the temporary signs and valet kiosk/umbrella should be stored in a designated lockable storage room on site.



SOURCE: [auj]workshop 2023

**Figure 3**  
Commercial Parking Areas  
Derby Mixed Use Project

## Parking Site Layout

This section discusses the City's parking standards and dimensions per the City of Arcadia Municipal Code Section 9103.07 *Off-Street Parking and Loading* and compares them with the proposed parking site layout.

### City Code Parking Dimension Requirements

The following standards are reviewed in this analysis:

- Per Development Code Section 9103.07.050.I.3, tandem spaces are required to be a minimum of 10 feet by 19 feet with sufficient space for maneuvering.
- Per Development Code Section 9103.07.060.J, Table 3-10 (Standard Vehicle Space Requirements—Commercial, Industrial, and Mixed Use Zones), vehicle aisles are required to be a minimum of 25-feet wide throughout parking areas.
- Per Development Code Section 9103.07.060.L.1, Figure 3-15 (Parking Stall Standards) each parking stall (including valet spaces) must be double striped with 4-inch striping, with a length of 18 feet and a width of nine feet, measured to the center of the lines or 11'-6" if adjacent to a wall, fence, and structure.

The City has indicated that in any situation where reductions in parking space dimensions are sought, the reduction should be reviewed and described in detail in a parking analysis. All locations where reductions from the City's Code parking standards are reviewed in the following section.

### Proposed Parking Standards Review

#### Residential (Basement Level)

All basement level parking stalls and drive aisles are parked to code, with exception of the 24-foot ramped drive aisle from Gateway Drive down to the basement level, and the tandem spaces.

As noted above, per Development Code Section 9103.07.050.I.3, tandem spaces are required to be a minimum of 10 feet by 19 feet with sufficient space for maneuvering. The proposed project residential tandem spaces are striped to 9'x19' for the inner space, and 9'x18' for the outer space. Although these spaces would be one foot shorter in width, and one foot shorter in length for the outer spaces than Code requirements, similar projects have utilized these dimensions for tandem spaces. For example, the nearby Huntington Plaza Mixed Use Project, approved at the August 18, 2020 City Council Meeting, includes similar dimensions (9'x19'6" for the inner spaces and 9'x18' for the outer spaces).

Additionally, AutoTurn passenger vehicle design templates were overlaid onto these parking spaces to illustrate how vehicles may park within these spaces. It must be noted that the passenger design vehicle (P) utilized in this analysis is consistent with current AASHTO (2018) standards. However, the design vehicle is a large vehicle at 7'x19', and is not representative of smaller or average passenger vehicles. Where utilized, the AASHTO (P) design vehicle provides a highly conservative analysis. For comparison, the current Ford F-150 pickup truck measures approximately 6.7'x19.3', while the current Honda Accord sedan measures approximately 6.1'x16.3'. A review of the top five most commonly owned vehicles in California as summarized in Table 3, shows these vehicles and most current model year dimensions.

**Table 3. Summary of Vehicle Dimensions**

Vehicle	Dimensions		
	Length	Width	Wheelbase
Toyota Camry	16'	6'	9.3'
Honda Civic	14.9'	5.9'	9.0'
Toyota Prius	15'	5.8'	8.6'
Toyota Corolla	15.2'	5.8'	8.6'
Honda Accord	16.3'	6.1'	9.3'
<b>Average</b>	<b>15.5'</b>	<b>5.9'</b>	<b>9.0'</b>

Source: EverQuote 2018; Toyota 2022, Honda 2022

As dimensions average approximately 6'x15', an additional custom AutoTurn design vehicle template was also developed and overlaid onto the parking spaces. As it is unlikely that tenants would own multiple vehicles sized larger than the larger AASHTO (P) design vehicle, the turn template illustrates how the smaller design vehicle would be parked in the reduced size tandem spaces. It must be noted that a standard crossover vehicle (e.g. Toyota Rav4) is also not much larger than the averages shown in Table 3 above, at approximately 6'x15'-16'. Additionally, if two larger vehicles were to park in two tandem spaces, sufficient room within the 25-foot drive aisles would still be available to maneuver through the parking garage. All illustrations are shown in Figure 4a, Passenger Vehicle AutoTurn Templates (Basement – Residential).

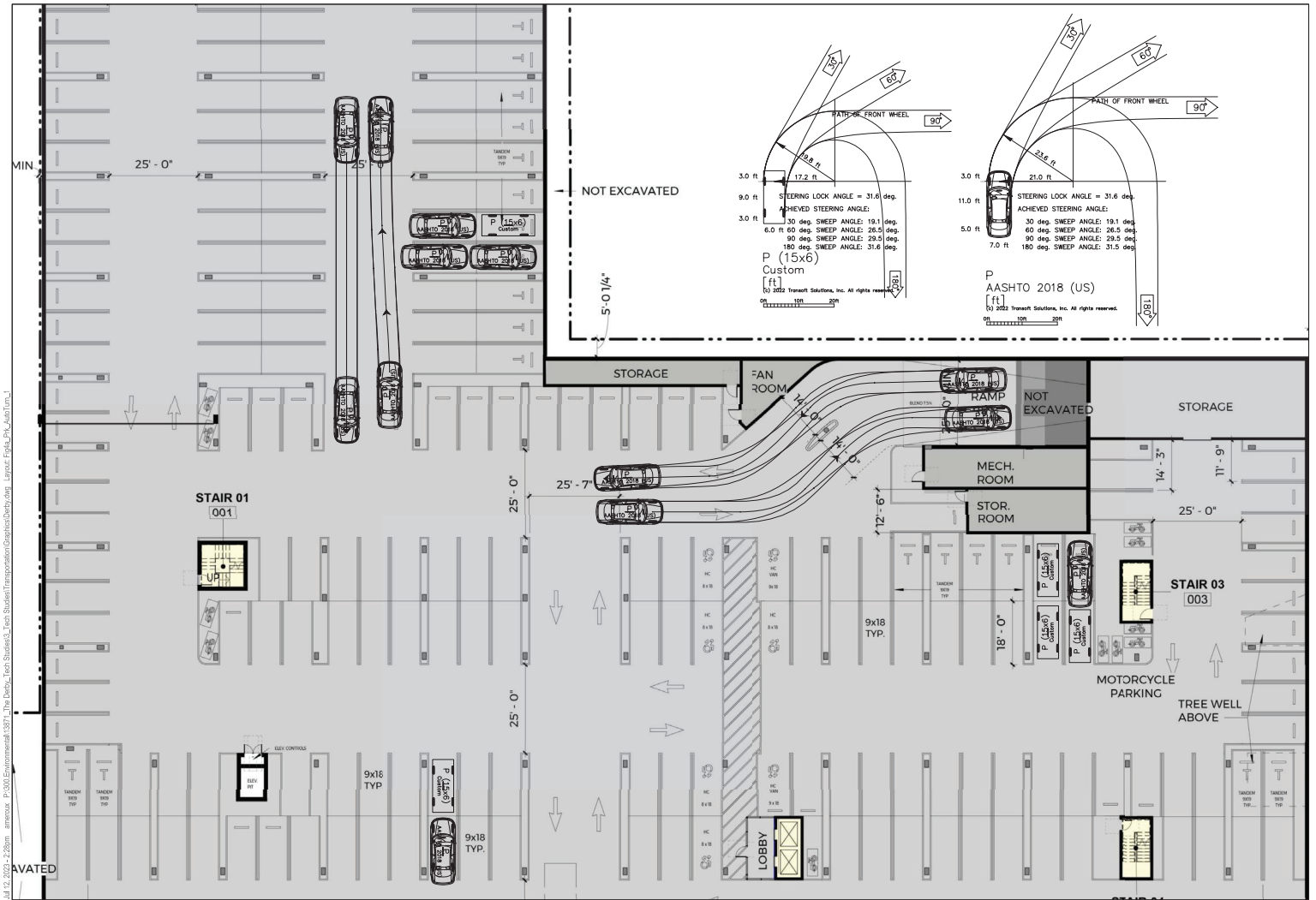
Additionally, the AASHTO (P) design vehicle turning template was overlaid within the proposed 24-foot driveway ramp from Gateway Drive. Both inbound and outbound vehicles would be able to maneuver through this drive aisle with the one-foot reduction from City standards per Development Code Section 9103.07.060.J, Table 3-10.

**Commercial (Ground Level)**

All ground level commercial self-parking spaces are striped to City Code; however, the majority of valet spaces and some drive aisles (within valet operating areas) have smaller dimensions than required per Development Code Sections 9103.07.050.I.3, 9103.07.060.J, and 9103.07.060.L.1.

Valet operators are skilled drivers and can operate within much smaller constraints compared to the average driver. As such, the majority of valet parking spaces are striped to 8'x15', consistent with the average lengths of the most common vehicles in California as discussed above (see Table 3). Additionally, valets can make real-time decisions as to where to park vehicles. For example, a driver may decide to utilize the 8'x15' tandem spaces for smaller vehicles first, leaving the 9'x18' spaces open for larger vehicles. In the case that some larger vehicles must be parked such that they spill into the drive aisles, attendants would still be able to maneuver through the tighter drive aisle.

As shown in Figure 4b, Passenger Vehicle AutoTurn Templates (Ground Level – Commercial), both the larger AASHTO (P) design vehicles and the smaller 6'x15' custom design vehicles are overlaid onto the site plan, showing examples of parked vehicles and vehicles maneuvering through the 20- to 24-foot drive aisles.



SOURCE: [auj]workshop 2023

**Figure 4a**  
 Passenger Vehicle AutoTurn Templates (Basement - Residential)  
 Derby Mixed Use Project



## Summary

### On-Site Parking Operations

Both self-parking and valet parking operations are proposed at the project site. As the existing Derby Restaurant currently operates with all valet parking spaces, valet operations will continue to be utilized for the proposed project to meet existing customers' standards for service, and expanded to meet proposed demand of the larger Derby Restaurant, as well as the additional café and restaurant uses. Recommendations are provided in this analysis, and included below, to maximize the on-site parking efficiency for all users, and reduce conflict between valet operations and patrons wishing to self-park.

#### Self-Parking

- Space counters should be installed for all self-park spaces, and dynamic parking displays should be placed at the Gateway Drive garage driveway entrance indicating the number of self-park spaces occupied and available within the garage.
- It is also recommended that the dynamic sign counter is visible from Huntington Drive so that patrons can determine whether to turn onto Gateway Drive or go directly to a valet drop-off location. In the event a patron turns into the parking garage from Gateway Drive when all self-parking spaces are full, signage should be placed within the central drive aisle directing drivers to valet parking in the courtyard such that vehicles limit the amount of time they are circulating through the parking garage trying to look for a space. Additional measures to mark each self-parking space (e.g. green/red overhead lights at each self-parking stall indicating whether it is free/occupied) would also be recommended.
- To reduce conflict between self-parking patrons and valet operations within the courtyard, signage should be placed within the parking garage directing vehicles to exit to Gateway Drive.
- All self-parking stalls should be clearly marked. It is also recommended that signage should be placed at each self-parking stall, and visible along Huntington Drive, indicating that self-parking is not available for The Derby Restaurant customers. All Derby patrons will be instructed to use valet parking.

#### Valet

- In addition to the historic Guest Parking sign located at the primary courtyard entrance, additional signage indicating "Valet Parking Only" should be provided at the courtyard entrance.
- A temporary valet parking booth should be situated within the courtyard area (similar to that used under existing operations). Valet attendants and signage would be used to urge vehicles to pull forward fully towards the valet booth at the entrance of the drop-off area, and into any transitional spaces within the courtyard if needed.
- Overhead signage indicating "Valet Parking Only" is recommended to be installed in the parking garage at the locations separating the southeastern valet parking area, as well as the northwestern valet parking area to reduce the mixing of self-parking vehicles and valet operations throughout the site.
- When valet operations are completed for the day, permanent valet signs should be covered by the valets, and the temporary signs and valet kiosk/umbrella should be stored in a designated lockable storage room on site.



## Parking Site Layout

Although the site plan identifies locations where the parking stall and/or drive aisle dimensions do not meet City Code standards, the review provided in this memorandum describes these variations, and describes how the reductions can be supported through both precedent and analysis of parking stalls and drive aisles using AutoTurn software.

# Attachment No. 9

Planning Commission Minutes and  
Planning Commission Staff Report, dated  
November 28, 2023 (without attachments)



**ARCADIA PLANNING COMMISSION  
REGULAR MEETING MINUTES  
TUESDAY, NOVEMBER 28, 2023**

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**CALL TO ORDER** Chair Tsoi called the meeting to order at 7:00 p.m.

**ROLL CALL**

PRESENT: Chair Tsoi, Vice Chair Wilander, Arvizu, Hui, and Tallerico

ABSENT: None

**SUPPLEMENTAL INFORMATION FROM STAFF REGARDING AGENDA ITEMS**

Deputy Development Services Director Lisa Flores informed the Commission that we received three letters for tonight's item on the Derby Mixed Use. All the letters were distributed through email and a hard copy was placed on dais along with a response from the environmental consultant firm.

**PUBLIC COMMENTS (5 minute time limit per person)**

There were none.

**PUBLIC HEARING**

1. **Resolution No. 2134**— General Plan Amendment No. GPA 22-01, Zone Change No. ZC 22-01, Minor Use Permit No. MUP 22-02, Architectural Design Review ADT 22-06, a Density Bonus and a Lot Line Adjustment along with an Environmental Impact Report under California Environmental Quality Act (CEQA) for "The Derby Mixed-Use Project," with 214 residential units, including 9 affordable units, located at 233 & 301 E. Huntington Drive

**Recommendation:** Adopt Resolution No. 2134 Recommending Approval to the City Council

**Applicant:** auWorkshop

**MOTION - PUBLIC HEARING**

Chair Tsoi introduced the item and Assistant City Manager/Development Services Director Jason Kruckeberg and Deputy Development Services Director, Lisa Flores presented the project.

Kristin Starbird from Dudek introduced herself as the senior project manager who led the preparation of the environmental impact reports. Ms. Starbird went over the subsequent letters that were received prior to the meeting and she addressed some of the major concerns that were raised in the comment letters.

Commissioner Tallerico asked Ms. Starbird if she felt they had enough time to adequately respond to the late correspondence letters that were received prior to the meeting.

Ms. Starbird said she and her staff are accustomed to responding to short notice letters and are confident no new information was revealed that would require a revision to the Environmental Impact Report.

Vice Chair Wilander expressed some concern about transportation, light impacts from the proposed projected mural, parking, and this site is 3.3 miles from the transit station.

Mr. Kruckeberg clarified the distance from the metro station to the Derby restaurant is actually 0.4 miles. He went on to explain that the project complies with the parking requirements and the valet parking will be a choice for patrons to use. Additionally, prior to issuing a Certificate of Occupancy, a parking management plan will be required from the Applicant to ensure the City is aware of how the parking resource will be managed.

Vice Chair Wilander asked about the projected mural that will be installed on the building and the potential light impacts. She also asked if the installation can be regulated once installed if it becomes a problem.

Mr. Kruckeberg explained the projected mural has been described to be an art installation or art piece that is not meant to be flashy or distracting. He said the mural will be subject to the City's sign regulations and it will be enforced if the projection becomes an issue.

Commissioner Arvizu asked about the removal of petroleum tanks that were removed from the property prior to the development of the Souplantation building.

Mr. Kruckeberg explained that when the underground storage tanks were removed, the site had to be remediated to remove all the contaminated soil. This was completed prior to the construction of the Souplantation building. Additionally, the City added a mitigation measure that requires the Applicant to provide a soil management plan before any permits can be issued.

Commissioner Arvizu asked for clarification about the previous uses of the property, specifically two gas stations that were pointed out in one of the late comment letters received.

Ms. Starbird clarified there was only one service station in the location of the Souplantation. It is confusing because there were two Phase One investigations that were conducted, and both reference a service station which contributes to the misunderstanding about the existence of two gas stations. Ms. Starbird said the tanks were discovered and removed during the development of the Souplantation. She explained contaminants were found during the Phase One investigation which led to a Phase Two investigation. She emphasized, however, that no other contaminants were found after the site was cleaned up.

Chair Tsoi asked if there is a clean-up process after the removal of the tank that determines all the standards have been met. Ms. Starbird said yes, and the site does.

Commissioner Hui asked if a second opinion is necessary.

Mr. Kruckeberg said that is the purpose of the mitigation measures.

Chair Tsoi asked about the zone change and if the height proposed will be applicable to all the properties. Mr. Kruckeberg clarified the City's Downtown Mixed-Use zone has a 60-foot height limit which will be regulated on the rest of the properties.

Chair Tsoi asked if Gateway Drive is a public or private street. Mr. Kruckeberg answered that is a public street.

Chair Tsoi asked about the hotel signs that sit on the northwest corner of Gateway Drive and Huntington Drive is on private property (Souplantation property) and if it will remain in place.

Ms. Flores confirmed the hotel signs are on private property and because there are no agreements with those hotel chains, the Applicants plan to remove the freestanding sign.

Chair Tsoi asked for clarification on the Planning Commission's role on this approval. Mr. Kruckeberg explained that this is within the Planning Commission's purview and their recommendation to the City Council is significant.

Commissioner Hui expressed some concerns about the traffic impacts and wanted to know more about the City's plan to alleviate that.

Mr. Kruckeberg said the City looks at all the cumulative impacts of the proposed project and future projects. He explained there are many factors that affect traffic patterns, which were all analyzed in addition to the impacts from the proposed project. He indicated that the traffic analysis determined there will be no significant impacts.

Chair Tsoi asked how the City justifies the Zone Change.

Mr. Kruckeberg explained the City analyzes many of the factors when considering a General Plan Amendment including all the utilities and the school district. He went on to explain that a General Plan Amendment examines the impacts years ahead which is carefully evaluated.

Chair Tsoi inquired about the impact fees placed on the Applicant.

Mr. Kruckeberg explained which impact fees are required and described what the transportation impact fee is.

Commissioner Arvizu asked about the density bonus and what was the minimum number of parking spaces they were required to have.

Mr. Kruckeberg explained that if the development offers affordable housing and is within a half mile of a light rail station, they are required to provide half of a parking space per unit. Based on this formula, the proposed project would be required to provide 107 parking spaces.

The Commissioners had no further questions for staff.

The public hearing was opened.

The property owner, Mr. Dustin Nicholarsen, thanked the Commission and introduced himself as the owner of the Derby and Souplantation site. After his presentation, he also responded to Commissioner Hui's earlier questions about the Phase I/Phase II reports stating that he has other Phase I and II reports when he purchased the properties and that none of those reports reported any underground storage tanks or soil contamination and they came to the same conclusion as the analysis in the DEIR.

He also clarified that The Derby does not currently charge for valet service and will continue to provide a free valet service for all customers once the Project is in operation.

Chair Tsoi asked if the Commissioners had any questions for the Applicant.

Commissioner Arvizu said he appreciates that he values the interior historical significance of the structure and its craftsmanship because they do not build them like they used to. He asked what are his intentions with the other two restaurants.

Mr. Nicholarsen said nothing is set in stone yet, but he would like to open a Mexican cuisine and a VIP speakeasy bar within the café space.

Ms. Linda Vidov, part of the Project's Team, said Mr. Nicholarsen's vision has always been to have The Derby restaurant around for the next 100 years. She further stated how this project would be a great asset to the City.

Mr. Harvey Hyde, a resident of Arcadia, spoke in favor of the Project and said that The Derby is strongly tied to the City of Arcadia and its history, and it should be kept in order to continue attracting people to visit the City.

Randy Shortridge from auWorkshop, the Project Architect, stated that the design of the Project was centered around The Derby restaurant and keeping it the focal point of the development. Also, the valet courtyard and some other architectural features have drawn inspiration from horseracing and Santa Anita Park.

No additional comments in favor of the Project were received.

Chair Tsoi asked if there was anyone who wished to speak in opposition to the Project.

Mr. Juan Luna from the Western States Regional Council of Carpenters did not speak against the Project, but wished to add a public comment requesting the City require the Project to be built using local contractors who pay prevailing wages and utilize apprentices from State certified apprenticeship training programs as it would reduce local environmental impacts and benefit the local economy and workforce development.

No additional comments in opposition to the Project were received.

Commissioner Hui asked who the future residential tenants will be given that the size of the units are relatively small and what the rental rates will be.

Mr. Nicholarsen said they are hoping to attract young professionals and provide new housing options in the City and that rental rates have not yet been determined.

Assistant City Attorney, Grace Yeo, stated that if the Applicant does not have that information, then he does not need to speculate.

Vice Chair Wilander followed up on her earlier question regarding employee parking.

Mr. Nicholarsen stated that the details have not yet been determined, but that The Derby currently has parking earmarked for staff use and this will likely happen with the new The Derby restaurant.

Vice Chair Wilander asked if he would offer any incentives for taking public transit.

Mr. Nicholarsen said he would.

Vice Chair Wilander asked about whether he would hire some local carpenters during construction in response to Mr. Luna's question.

Mr. Nicholarsen stated that they have not discussed that yet but will keep that in mind.

Ms. Flores added that the City cannot require the use of local contractors on private development.

Chair Tsoi asked about the projecting screen and what it would look like during the daytime. Will it be a blank white wall?

Ms. Vidov stated that the projection will not occur during daylight hours and therefore the blank façade will be seen instead.

Chair Tsoi stated that it is a large surface and asked whether something could be done during the day to make the wall more interesting.

Ms. Vidov said that they can look into that. She also addressed an earlier question from Commissioner Hui and a market study was performed and that is how they came up with their unit mix.

Vice Chair Wilander asked what the process is to protect the low-income status of the nine very low-income units.

Mr. Kruckeberg stated that Condition No. 1 requires an agreement be recorded on the Title for each of the units before the Project is final and that it will be the City's responsibility to monitor those units, ensuring they remain rented to very low-income tenants.

Given there were no more comments or questions, Commissioner Arvizu made a motion to close the public hearing. Vice Chair Wilander seconded the motion.

## **DISCUSSION**

Commissioner Arvizu stated that preserving the architectural appearance of The Derby is important and that the Project achieved this. In addition, the remainder of the building is well designed and has good articulation. He stated that although we cannot make it a requirement for the Applicant to hire union workers, he asked the Applicants to strongly consider the benefits of hiring them because they do produce a quality of craftsmanship you might not get from the lowest bidder. This project helps the City meet its housing needs.

Commissioner Tallerico expressed his support for the project and that The Derby is very important to the City of Arcadia and its history. He can also see the benefits of this project since it is well laid-out, it provides affordable housing, and it is close in proximity to transit. As for the Carpenters union, he does not think it is in the purview of the government to suggest who a private developer should hire and feels strongly about that.

Commissioner Hui stated that she likes the project and was in favor of recommending approval to the City Council. The City should consider the overall potential traffic impacts when the City rezones this entire area.

Vice Chair Wilander stated that she likes the project. She is pleased to see that they will be providing EV charging stations for the residents, the bikes will be kept within a locked facility, and the proposed landscaping will be an improvement compared to what is out there.

Vice Chair Wilander asked for clarification on the need for a movable noise barrier that was in one of the comment letters.

Ms. Starbird stated that their noise expert had quantified the noise that would be generated from all the construction equipment during construction and it was determined that a noise barrier would be required for the extent of the entire length of the property line during the entire time of the construction activity, which is more restrictive than a movable noise barrier.

Vice Chair Wilander thanked Ms. Starbird and said she had one correction to the DEIR. The DEIR mentioned that a majority of the single-family neighborhoods are located near the foothills in the northern section of the City. She stated that this should be corrected to include the southern part of Arcadia too.

Ms. Flores confirmed this change would be added to the errata sheet.

Chair Tsoi noted the importance of preserving the standalone character of The Derby restaurant and how this feature sets the architectural direction of the rest of the building. He was also in favor of this project.

**MOTION**

It was moved by Vice Chair Wilander, seconded by Commissioner Hui to adopt Resolution No. 2137 recommending that the City Council approve General Plan Amendment No. GPA 22-01, Zone Change No. ZC 22-01, Minor Use Permit No. MUP 22-02, Architectural Design Review No. ADR 22-06, a Densit Bonus and a Lot Lite Adjustment along with an Environmental Impact Report under the California Environmental Quality Act (CEQA) for “The Derby Mixed-Use Project”, with 214 residential units, including 9 affordable units, located at 233 & 301 E. Huntington Drive.

**ROLL CALL**

AYES: Chair Tsoi, Vice Chair Wilander, Commissioners Hui, Arvizu, and Tallerico  
NOES: None  
ABSENT: None

The motion was approved.

*There is no appeal period as the Planning Commission is not making a decision on the Project.*

**CONSENT CALENDAR**

No Consent Items

**MATTERS FROM CITY COUNCIL LIAISON**

City Council Member Kwan did not have any items to report.



**MATTERS FROM THE PLANNING COMMISSONERS**

The Planning Commissioners had nothing to report.

**MATTERS FROM ASSISTANT CITY ATTORNEY**

Assistant City Attorney Yeo had nothing to report.


**MATTERS FROM STAFF INCLUDING UPCOMING AGENDA ITEMS**

Ms. Flores reported that there will be one public hearing item for December 12 Planning Commission meeting. Staff will also present an informational item at the Planning Commission, giving an overview of the upcoming rezones required to implement some of the housing strategies within the Housing Element Update and to eventually receive certification.

**ADJOURNMENT**

The Planning Commission adjourned the meeting at 8:55 p.m., to Tuesday, December 12, 2023, at 7:00 p.m. in the City Council Chamber.

  
Chair Tsoi, Planning Commission

ATTEST:   
Lisa L. Flores  
Secretary, Planning Commission



# STAFF REPORT

Development Services Department

**DATE:** November 28, 2023

**TO:** Honorable Chair and Planning Commission

**FROM:** Jason Kruckeberg, Assistant City Manager/Development Services Director  
Lisa L. Flores, Deputy Development Services Director

**SUBJECT:** GENERAL PLAN AMENDMENT NO GPA 22-01, ZONE CHANGE 22-01  
MINOR USE PERMIT NO. MUP 22-02, ARCHITECTURAL DESIGN  
REVIEW NO. ADR 22-06, A DENSITY BONUS AND A LOT LINE  
ADJUSTMENT ALONG WITH AN ENVIRONMENTAL IMPACT REPORT  
UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)  
FOR "THE DERBY MIXED-USE PROJECT", WITH 214 RESIDENTIAL  
UNITS, INCLUDING 9 AFFORDABLE UNITS, LOCATED AT 233 & 301 E.  
HUNTINGTON DRIVE  
**Recommendation: Adopt Resolution No. 2134 Recommending  
Approval to the City Council**

## SUMMARY

The Applicant, the auWorkshop, on behalf of the property owner, Dustin Nicholarsen, is requesting approval of General Plan Amendment No. GPA 22-01, Zone Change No. ZC 22-01, Minor Use Permit No. MUP 22-02, and Architectural Design Review No. ADR 22-06, to construct a new mixed-use development at 233 & 301 E. Huntington Drive. The project includes a density bonus and a lot line adjustment and will result in a six-story mixed-use building containing 214 residential units, including 9 affordable units, and a rebuilt Derby Restaurant. The existing Derby Restaurant and former Souplantation Restaurant will be demolished and along with a rebuilt Derby the site will include a second, smaller restaurant and a café on the ground floor. A parking structure and valet parking lot will be constructed as part of the mixed-use project that will include 412 parking spaces for all uses on site.

The proposed development is consistent with the City's General Plan, Development Code, and Subdivision Code. The Statement of Findings addresses the environmental effects associated with the proposed project, as described in the Draft Environmental

Impact Report (EIR). It is recommended that the Planning Commission adopt Resolution No. 2134 (Attachment No. 1) recommending approval of the project to the City Council, subject to the conditions listed in this staff report. Ultimately, the City Council will review one Ordinance and three Resolutions relative to the project, including Ordinance No. 2398 related to the Zone Change, Resolution No. 7530 related to CEQA findings for the EIR, Resolution No. 7531 related to the General Plan Amendment, and 7532 related to the project itself and the conditions of approval.

## **BACKGROUND**

The project site consists of two parcels totaling 2.23 acres in size, located on the north side of E. Huntington Drive, east of 2<sup>nd</sup> Avenue and on the west side of Gateway Drive (see Figure 1 below). The site is currently zoned General Commercial (CG) and has a land use designation of Commercial in the General Plan – refer to Attachment No. 2 for an Aerial Photo with Zoning Information and Photos of the Subject Property. The property is surrounded by commercial uses consisting of the Hampton Hotel and Embassy Suites Hotel to the north and west, the Arcadia Landmark retail center to the east, and the Arcadia Gateway retail center across Huntington Drive to the south. All of the surrounding properties are also zoned General Commercial with a Commercial land use designation. However, all of these properties are earmarked to be re-zoned and re-classified through the City’s major re-zoning efforts associated with the recently adopted Housing Element.

**Figure 1 - Aerial of Subject Site**



## **PROPOSAL**

The existing Derby restaurant and the former Souplantation restaurant will be demolished as part of the project. The Derby will be rebuilt on site to maintain many of the exterior and interior features of the existing restaurant space, and it will also be expanded in size substantially as part of the project. A detailed historical report was completed as part of the project which concluded that the building does not rise to a level of historic significance at the State or local level. Nevertheless, the Derby is clearly a much-beloved part of the Arcadia community, and the expanded restaurant space will include many of the characteristic features of the existing space as shown in Figure 2, including:

- The red booths, fireplaces and unique chimneys
- Roof pitch, overhanging eaves and rafter tails
- Brick and clinker brick details
- Stained glass windows of the same character and/or reused components
- Iconic Derby and Guest Parking signage
- Nearly exact replica of the original main dining room
- Weathervanes, jockey statues, and various landscape details
- Substantial horse racing memorabilia, including an expanded area for memorabilia to house what will be called “The Derby Centennial Collection”

**Figure 2 – Interior and Exterior Images of the New Derby Restaurant**

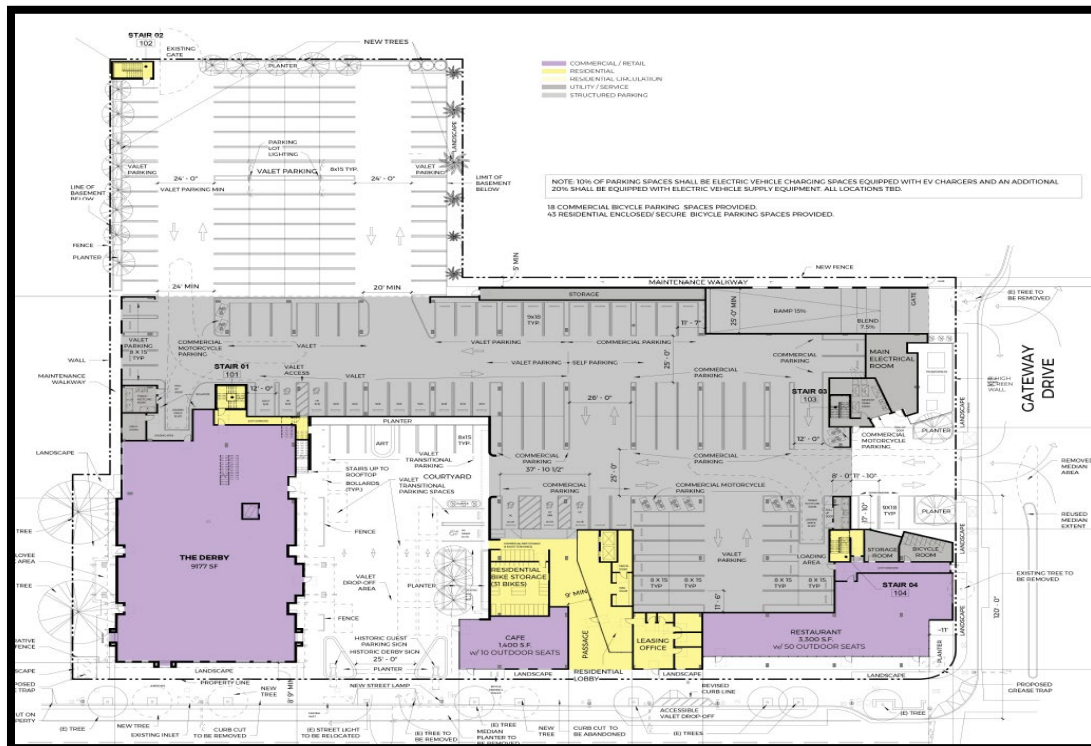


The proposed mixed-use development consists of the construction of a six-story building with five stories of residential units (214 units) over one basement level of parking and a

ground level containing additional parking and the three proposed restaurants. Of the 214 residential units, nine will be reserved for affordable housing at the very low-income level, and these will be restricted to senior residents. The ground floor of the building along Huntington Drive will consist of the rebuilt Derby building to the west of the site, a café and residential amenities in the center of the project, and a new, smaller restaurant space to the east of the site turning the corner onto Gateway Drive. This commercial space will continue active, vibrant uses along Huntington Drive, while also allowing for access to parking and valet services from both Huntington Drive and Gateway Drive.

In order to achieve this project description, the applicant is proposing to consolidate the two existing parcels into a single parcel of 97,084 square feet (2.23 acres). This can be accomplished through a lot line adjustment process, which is included as an entitlement along with the rest of the application package – refer to Attachment No. 3 for the Lot Line Adjustment and Attachment No. 4 for the Architectural Plans. The proposed building will have an overall maximum height of 71' including a 3' parapet. As such, along with the Zone Change to Downtown Mixed Use is a request to apply a height overlay of H7, which allows an overall height of 75'. In addition to the commercial appearance of the street frontages, the project will include significant articulation and step backs from Huntington Drive. See Figure 3 below for the overall site plan of the project area and Figure 4 for renderings of the project.

Figure 3 – Site Plan



**Figure 4 – Renderings**



The proposed residential unit mix will be comprised of 55 studios, 110 one-bedroom units, and 49 two-bedroom units. These units will occupy the second through the sixth floors of the building and will range in size from studios beginning at 400 square feet to 1,200 square feet for the largest of the two-bedroom units. The nine affordable units are contained within the mix described above and will be reserved for senior residents at the very low-income level per Los Angeles County's affordability standards. By providing 5% affordable units (based on the original allowed density), the project qualifies for a density

bonus per the Government Code of the State of California. This density bonus permits an additional 20% of units on site, which is why the overall project proposal of 214 units is permissible.

In terms of open space, the Derby Project provides a substantial open space program for residents. In addition to private balcony open space, the new building would step back approximately 30 feet at the fifth and sixth levels to provide a landscaped residential pool and amenity space, including an approximately 4,800 square-foot roof deck and 1,100 square-foot indoor amenity kitchen for residents. Additional residential amenities would include a 6,500 square-foot landscaped courtyard, herb garden, and shared outdoor cooking space on level two fronting Gateway Drive as well as other interior residential amenities such as a fitness center, co-working space, and yoga room.

The Project would provide a total of 412 parking spaces consisting of 239 residential spaces on the basement level and 173 commercial/valet spaces on the ground level. The parking areas will include all required accessible parking, EV parking, bicycle parking, and motorcycle parking. A detailed valet parking plan has been provided to accommodate the commercial portion of the project. Valet/commercial parking will primarily enter the site from Huntington Drive while residential users will primarily access parking through Gateway Drive. Due the provision of affordable housing units, as well as the proximity to the light rail station, the project qualifies for reduction in parking requirements as a matter of right.

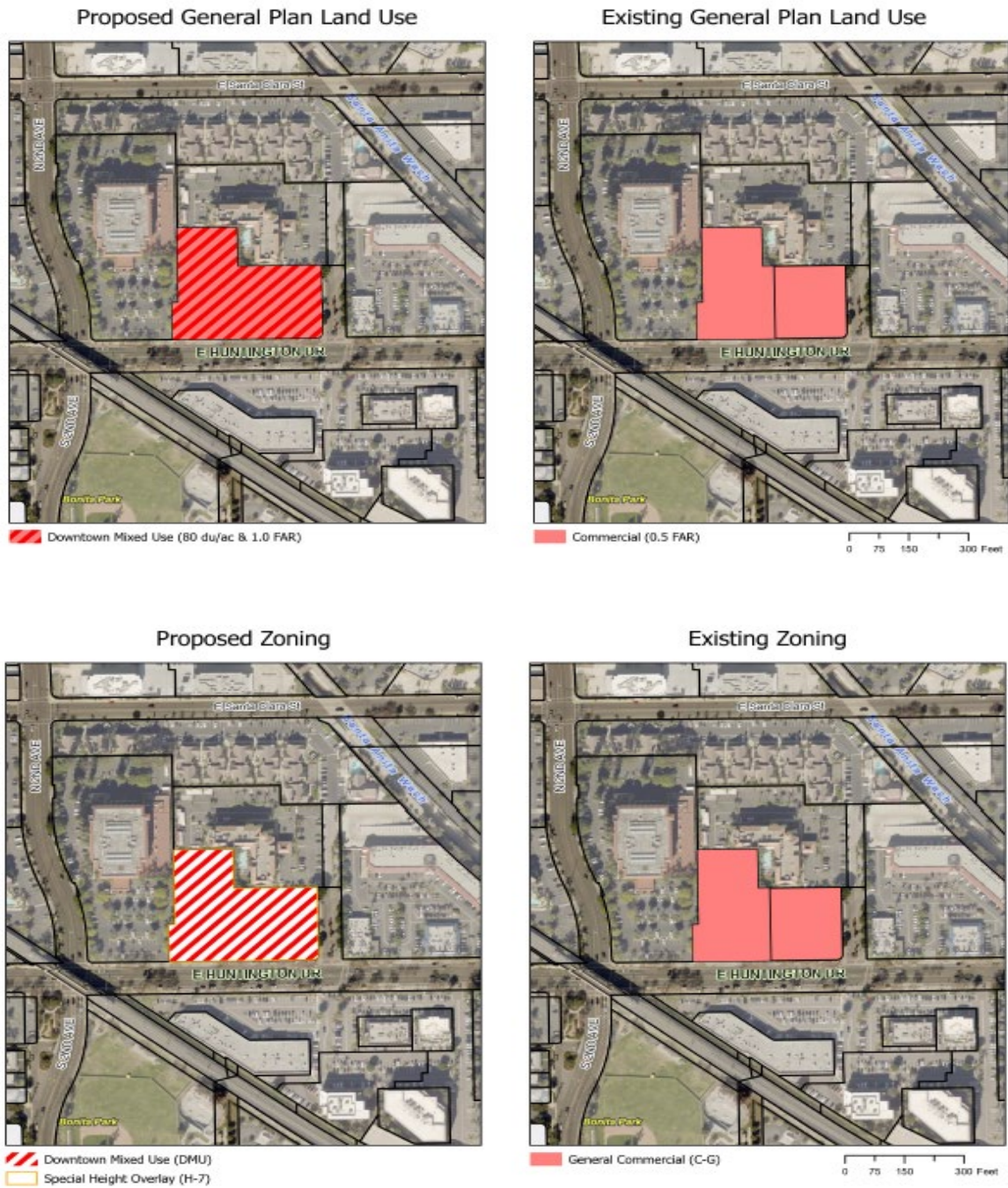
## **ANALYSIS**

As with most large projects, the Derby Project requires a suite of entitlements and land use approvals. Each of the major entitlements are described below in addition to key components of the project.

### **General Plan Amendment and Zone Change**

The project site is currently zoned General Commercial with a land use designation of Commercial. This is the same General Plan designation and zoning shared by all of the surrounding commercial properties. However, in the City's latest Housing Element Update, one of the key strategies is to expand the City's "Downtown Mixed Use" zone and General Plan designation to the east, including all commercially zoned properties east of Second Avenue and west of Fifth Avenue. The primary purpose for this change is to incentivize redevelopment over time of properties in this area to include a residential component. Figure 5 below shows the changes proposed for the subject property.

Figure 5 – General Plan and Zone Change Maps



The Applicant team was made aware of the City-sponsored rezoning project but elected to apply for their own General Plan Amendment and Zone Change. This was done primarily so that they could control their own timing and complete their own specific environmental review, which evaluates the anticipated impacts of this project. The General Plan Amendment will change the land use designation for the property to



Downtown Mixed Use, and the Zone Change will change the underlying zoning to Downtown Mixed Use as well. These are both consistent with the overall City strategy and master plan for this area. In addition, the Zone Change includes the application of a Height Overlay zone of H7, which allows up to 75 feet of building height. This is consistent with the existing height overlay that applies to the Embassy project directly to the west that has a H-7 Overlay, in addition to the Hampton Inn to the north that has a H-5 Overlay. The H-7 overlay will be consistent with the nearby height allowances and is appropriate for this location.

It is anticipated that the City’s rezoning process will be reviewed by the Planning Commission and City Council in the next few months. The Derby Project is ahead of this process substantially however, because they have also pursued the required environmental review for their project. A similar level of environmental effort will be needed with other specific projects as they are proposed following the City rezoning.

Density Bonus and Affordable Housing

Senate Bill 1818 amended the State’s Density Bonus program, and it offers incentives for the development of affordable housing for very lot income, low income, moderate income, and senior citizen households. The Arcadia Development Code refers to the applicable Government Code when referencing density bonus law and the program allows developments to receive a density bonus above the allowable base density if the appropriate number of affordable units are provided. In this case, the developer is proposing 5% of the units be set aside as affordable housing for very low-income senior households. With 5% of the units affordable, the project qualifies for a 20% density bonus per State law. The table below shows the unit summary, including the allowable density bonus.

Residential Component	Calculation	Number of Units
Base Density	80 du/acre	178
SB 1818 Unit Count	20%	214
Housing Type Provided		
Market Rate Units		205
Affordable Units		9

This is a density that is allowed by-right if the affordable units are provided. In order to ensure that the affordable units are included, the Development Code requires that the method proposed by the developer to maintain the continued affordability of the units be provided. To this end, the developer will be recording a Density Bonus Housing Agreement which will be reviewed by the City Attorney to ensure that the nine senior affordable units will be rented to individuals who qualify at very low-income levels. The Agreement will also ensure that these units are maintained as affordable over time. These units will be spread throughout the project and the agreement/covenant will be recorded prior to the issuance of a Certificate of Occupancy.

In addition, the Government Code and the Arcadia Development Code allow developers to seek concessions or waivers to certain zoning requirements along with density bonuses. This can include relaxation of development standards such as parking or height, setbacks, lot coverage, etc. In this case, the development standard being altered by the developer is the dimension of some of the parking spaces and drive aisles. In addition, the fact that the project qualifies for a density bonus allows the project to provide fewer parking spaces than would be necessary through a strict application of the Development Code. These issues are described in more detail below in the parking section.

Parking

The Project would include one level of subterranean (i.e., basement level) parking for residents, as well as ground-level commercial and valet parking, including a podium parking structure and surface parking. The surface and podium parking areas would be predominately valet serviced and reserved for restaurant/café uses and residential visitors. The vehicle courtyard would include several surface parking spaces for transitional (i.e., short-term) valet use. A larger surface parking lot for valet use only would be on the northwest corner of the Project site accessible from the ground-level podium parking lot.

The table below provides the parking required and provided for the project when applying the density bonus allowances.

<b>Parking Required w/ Density Bonus</b>	<b>Spaces</b>
Commercial Parking for: <ul style="list-style-type: none"> <li>• Derby (12,850 sf @ 1 space per 100 sf)</li> <li>• Secondary Restaurant (3,300 sf @ 1 space per 100 sf)</li> <li>• Café (1,400 sf @ 1 space per 200 sf)</li> <li>• Outdoor Seating (24 seats @ 1 space per 6 seats)</li> </ul>	173
Residential Parking for: <ul style="list-style-type: none"> <li>• 51 studios @ 1 space per unit</li> <li>• 105 one-bedroom @ 1 space per unit</li> <li>• 49 two-bedroom @ 1.5 spaces per unit</li> <li>• 9 senior affordable units @ 1 space per unit</li> </ul>	239
<b>TOTAL REQUIRED</b>	<b>412</b>
<b>Parking Provided</b>	<b>Spaces</b>
Commercial Parking (Valet Format)	173
Residential Parking	239
<b>TOTAL PROVIDED</b>	<b>412</b>

For comparison purposes it should be noted that an application of the Development Code without the density bonus mandates would require more residential parking, but less commercial parking. The Development Code requires 1 parking space per studio or senior unit, and 1.5 spaces per one or two-bedroom unit. It also requires 1 guest parking space for every three units. Taken together, this would require a total of 362 parking spaces. However, given the proximity to the light rail station, a 25% reduction would apply to the commercial aspect of the project, resulting in a total number of commercial spaces needed of 130, rather than the 173 spaces provided. Therefore, in total, the Development Code would require a total of 492 spaces rather than the 412 provided under density bonus law.

The major advantage for the site in terms of parking, however, is the fact that valet parking will be available. The Derby Parking Management/Valet Parking Operations Analysis memo prepared for the Project discusses the City's parking requirements for the existing and proposed land uses on the Project site (refer to Attachment No. 5) per Section 9103.07 (Off-Street Parking and Loading) of the Development Code.

Of the 173 commercial parking spaces, 33 spaces are available for self-parking and the remaining 140 will be valet accessible. Valet parking will be available for all restaurant uses on site as needed. The Parking Management/Valet Parking Operations Memo provides a series of recommendations in order to facilitate both the self-parking and valet functions on site. Regarding self-parking, it is recommended that space counters be provided as well as parking displays to indicate the number of spaces occupied and/or available. In addition, directional signage and clear markings on the location of various parking options will be required. These details have been added as conditions of approval and/or Mitigation Measures.

With regard to valet parking, the Derby has been operating with an all-valet system for years, and this is the standard that will be maintained. The plan shows 89 valet spaces in the surface lot and another 51 spaces within the structure. Additionally, the courtyard can accommodate approximately 20 active and parked vehicles, in addition to queuing space. Clearly, valet spaces are professionally controlled, and thus do not require the same dimensions as self-parking spaces. A detailed valet operations plan will be required to be submitted. This has also been added as a condition of approval.

The provision of affordable units provides the Applicant the ability to request concessions to the Development Code. In this case, the requested concessions are to the parking space dimensions and aisle dimensions. It should be noted that all ground level commercial self-parking spaces meet Code requirements. But, valet spaces will not (as described above) and tandem spaces will not. Tandem parking spaces are provided for some of the residential parking spaces. The Code-listed dimensions for tandem spaces are 10' x 19'. The Applicant has provided tandem spaces with dimensions of 9' x 19' for the interior space and 9' x 18' for the exterior tandem space. These dimensions are similar to those that have been approved in several different projects in the City and are consistent with requirements in other jurisdictions. In addition, the Applicant provided

vehicle turning templates and maneuvering diagrams as part of the Parking Management/Valet Parking Operations Memo. Turning motions from different sized vehicles show that the parking area is functional and accessible. Similarly, an aisle width of 24' is requested for the ramp down to the residential parking area from Gateway Drive. This has minimal impact on the function of the basement level parking as a whole. While these concessions may be granted without such analysis, the review provides evidence that these modifications are suitable.

The Code also requires bicycle parking for mixed-use developments at a rate of 0.2 spaces per residential unit and 10% of non-residential parking requirements. Based on 214 residential units and 173 commercial parking spaces, 61 bicycle parking spaces are required. The project will provide 63 bicycle parking spaces located on level 1 of the development. This complies with the Code and exceeds the minimum requirement. Additionally, the project will meet all ADA and Energy Efficient vehicle requirements as well as providing motorcycle spaces.

Another issue that is of importance is where the construction trucks will be staged during construction. Given the size of the site, the construction vehicles will be staged on-site and within the project boundaries, and it should not disrupt the surrounding commercial uses. A detailed construction parking and staging plan will be required prior to the issuance of a building permit for the project to ensure this is the case.

#### Vehicular Circulation and Traffic

Primary vehicle access for the commercial and valet parking areas would be from two points: (1) via an ingress/egress driveway on E. Huntington Drive approximately 50 feet east of driveway for the existing The Derby restaurant; and (2) via an ingress/egress driveway on Gateway Drive that would also accommodate service uses. Primary vehicle access to the residential tenant and guest parking at the basement level would be provided via a separate, secure ingress/egress driveway from Gateway Drive. Queuing analyses were conducted on the entryways and access and egress from the site was found to be adequate with the exception of the eastbound left turn pocket at Gateway and Huntington Drive and within the Derby Courtyard. To address these issues, mitigations have been added to extend the left turn pocket for that turning motion, and install internal signage to direct vehicles within the project.

In terms of traffic, trips generated by the proposed project were evaluated to determine any expected impacts on the traffic flow through the area. A total of seven intersections were analyzed as part of this project, including the following:

1. 2nd Avenue/Santa Clara Street
2. Santa Anita/E. Huntington Drive
3. 1st Avenue/E. Huntington Drive
4. 2nd Avenue/E. Huntington Drive
5. Gateway Drive/E. Huntington Drive

- 6. 5th Avenue/E. Huntington Drive
- 7. I-210 SB ramps/E. Huntington Drive

Each of these intersections are shown in Figure 6 below. Following analysis, and with the inclusion of other expected projects in the area, none of the studied intersections were significantly impacted by the expected project traffic.

**Figure 6 – Intersections that were Analyzed**



A Traffic Impact Analysis (Appendix J to the EIR) was prepared for the project that includes Level of Service (LOS) analysis, site access review, parking analyses, and VMT screening analysis. The bullet list below summarizes the key findings:

- The proposed project would generate 2,163 net daily trips, 219 net AM peak hour and 175 net PM peak hour trips.
- The study area intersections currently and are forecast to operate at LOS D (or E where applicable) or better under all analysis scenarios, which meets the City’s traffic impact thresholds.

- The proposed project would not result in unacceptable queueing conditions into or out of the project site with exception of the eastbound left-turn pocket at Gateway Drive/E. Huntington Drive and within The Derby courtyard. The following recommendations are made:
  - Remove and reconfigure the raised median to extend the eastbound left-turn pocket at Gateway Drive/E. Huntington Drive to at least 75 feet. (Added as Mitigation Measure)
  - Place signage within the commercial section of the parking structure directing personal vehicles to use the Gateway Drive egress to exit the project site during valet operations. (Added as Mitigation Measure)
- The project is in a Transit Priority Area (TPA) and a Low Vehicles Miles Travel (VMT) generating area and would be screened from a project-level VMT analysis. Therefore, the project's impacts to VMT can be presumed to be less than significant.

### Architectural Design and Land Use

As shown below in Figure 7, the Project provides an interesting, varied façade along Huntington Drive that emphasizes the commercial portions of the project. The color palette would predominantly include neutral earthtones of grey, brown, and off-white. Building materials and siding along the ground-level E. Huntington Drive and courtyard frontages would include brick veneer and would feature glazed floor-to-ceiling windows and a covered corridor along the east side of the courtyard and café, residential, and restaurant frontage. The finish on levels two through six would include a combination of machine applied sand-finished stucco and dark grey finished steel board and batten, as well as stained tongue and groove wood soffits and window surrounds. The Project would also feature painted steel balconies and railings. As proposed, the proposed overall design is consistent with the City's Design Guidelines and is compatible with the surrounding area.

The Derby restaurant would be designed to maintain the low-slung craftsman-influenced character and scale of the existing building as well as other distinctive interior and exterior elements such as the gable roof, stained-glass windows, and classic red booths. The gable roof would feature "The Derby" signage in large-format lettering on its south-facing slope. The "new" Derby restaurant would preserve the existing horseracing memorabilia collection (i.e., The Derby Collection) in a new, expanded display area, and would relocate the existing "World Famous, The Derby" and "Guest Parking" neon signs to either side of the proposed ingress/egress driveway on E. Huntington Drive leading to the restaurant's new covered porte-cochere and east-facing main entrance.

The Derby restaurant's rooftop bar and dining area would also include a media-art installation featuring a 35' by 25' projection surface set against the adjacent southern

building face. During The Derby restaurant's evening operating hours, the proposed installation would display black-and-white, horse-racing themed photographs and video-stream projections, which would be visible from The Derby's rooftop bar and dining area, as well as from certain vantage points on the surrounding E. Huntington Drive streetscape. Horseracing images would only be projected from approximately dusk until midnight while The Derby restaurant is open.

**Figure 7 – Renderings**



In addition to the thoughtful treatments on the ground levels along both Huntington Drive and Gateway Drive, the project provides differentiation between the residential levels of the building and the ground floor commercial space. The valet drop-off area provides a deep, articulated area that reduces massing along Huntington and emphasizes the Derby. Also, upper-level step-backs along Huntington provide an area for open space and amenity that further reduce massing. Along Gateway Drive, a substantial courtyard area at the second level provides a second deep and articulated space and provides light and air for the units that front the courtyard.

All City requirements regarding disabled access and facilities, occupancy limits, building safety, health code compliance, emergency equipment, environmental regulation compliance, and parking and site design shall be complied with by the Property Owner/Applicant to the satisfaction of the Building Official, City Engineer, Planning & Community Development Administrator, Fire Marshal, and Public Works Services Director, or their respective designees.

### Open Space

Residential uses in the City's DMU zones are required to provide a minimum of 100 square feet of open space per dwelling unit (21,400 square feet), which may incorporate balconies. The open space is proposed on site both as community open space and as private open space. Approximately 65 percent of the Project's proposed dwelling units would include private balconies. Therefore, the Project would provide 7,020 square feet of residential open space in the form of private balconies and 14,525 square feet of common area open space (i.e., the courtyards/amenity areas on levels two, five, and six) for a total of 21,545 square feet of residential open space, which is in accordance with the Development Code. The courtyards provide landscaped sitting areas, an herb garden, and an outdoor deck and pool area.

### Minor Use Permits

With approval of the proposed Zone Change to DMU, the Project site would be in a mixed-use zone and a "downtown zone" (Development Code Section 9102.05[C]). As such, the Project would require approval of Minor Use Permits for the following project features/characteristics: Valet parking in a mixed-use zone, outdoor dining in a downtown zone, and multifamily housing in a downtown zone. Whereas these types of project elements would be handled at the administrative level in some cases, when part of a major project with additional entitlements, they are included with the discretionary review process. The required Findings of Fact for each of these items are provided below in the Findings section.

**Valet Parking in a Mixed-Use Zone.** As described in detail in the Parking section above, the Project's surface parking area and ground-level podium parking structure would be predominately valet serviced and reserved for restaurant/café uses and residential visitors. Valet parking is subject to a MUP per the Development Code. Valet parking is a



critical component of this project and is the basis by which the large restaurant square footage proposed can be supported. The Derby has utilized valet parking for decades and this would be maintained by the proposed project. Valet parking provides relief from parking concerns in that it will be available during all hours of the restaurant's operation and will alleviate any conflicts with residential parking or peak times.

**Outdoor Dining in Excess of 12 tables in the Downtown Zones.** The Development Code requires a MUP to allow outdoor dining in excess of 12 tables. This entitlement is typically required to allow for streetscape activity and vitality while ensuring that parking is adequate and a safe public/private interface can be maintained. In this case, the outdoor dining as part of the Derby and the 3,300 square foot additional restaurant space would include the option for outdoor seating with 12 or more tables. This is a welcome project feature as it will add visual interest to the project and provide an active streetscape. Parking for the outdoor dining areas is accounted for as part of the parking provided for the Project.

**Multi-Family Housing in a Downtown Zone.** Multifamily housing in conjunction with a commercial use is permitted in the City's downtown zones, subject to an approved MUP. The Project would include 214 for-rent dwelling units, which would qualify as multifamily housing. This requirement was added to the Code to ensure that mixed-use projects were thoughtfully planned and the residential portion of mixed-use projects provided appropriate setbacks, design features, and amenities to successfully be placed in a commercial-focused environment. The Derby Project provides an appropriate mix of residential unit types, including affordable units, and the project is laid out in a manner that continues to treat Huntington Drive as a commercial corridor yet provides a new population of residents to complement the area as an extension of Downtown Arcadia.

## **FINDINGS**

### ***General Plan Amendment***

Section 9108.03.060(A) of the Development Code requires that for a General Plan Amendment to be granted, it must be found that all of the following prerequisite conditions can be satisfied:

- 1. The Amendment is internally consistent with all other provisions of the General Plan.**

**Facts to Support This Finding:** The proposed Amendment is internally consistent with the other provisions of the General Plan. The Project proposed to change the General Plan Land Use Designation from Commercial to Downtown Mixed Use. The expansion of the Downtown Mixed-Use designation onto the Project site allows for development of a mixed-use project in furtherance of the goals and policies found in the Land Use & Community Design Element that promotes new infill and redevelopment of projects and developments that support transit and other alternative forms of transportation, and, most importantly, the

Housing Element that provide suitable sites for housing development to accommodate a range of housing for residential use that meet the City's State-mandated Regional Housing and Needs Assessment (RHNA) growth needs for all income levels. The City's Housing Element requires that the City meet the State-mandated Regional Housing Needs Allocation. To do so, mixed use development in what was formerly commercial areas is an effective and beneficial way to do so. The City is currently planning a major General Plan update that would change the Commercial designation of this very property, in addition to all surrounding properties, to Downtown Mixed Use. This proposal is simply arriving before such larger effort of the City. The proposed change will allow the property owner to merge two properties into one parcel to accommodate a larger mixed-use project that is more appropriate for this site. The revised Project continues to implement the General Plan's policies and goals for an orderly development that is supported by public infrastructure and services. The proposed development meets all applicable development standards, including not exceeding the height that is allowed through the Height Overlay of H7 (75 feet in height).

**2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.**

**Facts to Support This Finding:** The proposed Amendment is consistent with a City-sponsored amendment that is currently in process that will modify this area to Downtown Mixed Use. To review the specific impacts of this proposed Project, however, an Environmental Impact Report was submitted that analyzed all the potential impacts, and the anticipated impacts from the amended project are less than significant or can be reduced to less than significant levels with the implementation of mitigation measures. Therefore, the General Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare. Further, the mixed-use project will provide a superior development to this site and add to the vitality of the area.

**Zone Change**

Section 9108.03.060(C) of the Development Code requires that for a Zone Change to be granted, it must be found that all of the following prerequisite conditions can be satisfied:

**1. The proposed amendment is in conformance with the goals, policies, and objectives of the General Plan.**

**Facts to Support This Finding:** The proposed Zone Change for the Project is in conformance with the goals, policies and objectives of the General Plan. The Zone Change proposed to change the current General Commercial zoning to Downtown Mixed Use, which allows residential development on the site in an urban, mixed-use format. The change in zoning to Downtown Mixed-Use allows for development of a mixed-use project in furtherance of the goals and polices

found in the Land Use & Community Design Element, the Economic Development Element, the Circulation and Infrastructure Element and, most importantly, the Housing Element of the General Plan. The City's Housing Element requires that the City meet the State-mandated Regional Housing Needs Allocation. To do so, mixed-use development in what was formerly commercial areas is an effective and beneficial way to do so. The City is planning a major Zoning Map update that would change the zoning of this very property, in addition to all surrounding properties, to Downtown Mixed Use. This proposal is simply arriving before the City's larger effort. The proposed change will allow the property owner to merge two properties into one parcel to accommodate a larger mixed-use project that is more appropriate for this site. The revised Project continues to implement the General Plan's policies and goals for an orderly development that is supported by public infrastructure and services. The proposed development meets all applicable development standards, including not exceeding the height that is allowed through the Height Overlay of H7 (75 feet in height).

**2. The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated land uses/developments.**

**Facts to Support This Finding:** When joined together through the associated lot line adjustment, the resulting property is 2.23 acres in size. As such, the site is physically suitable for the proposed project in terms of land use, height, access and egress, parking, and the provision of utilities. The Environmental Impact Report submitted along with the project reviewed all of the site logistics and utility provision challenges inherent in the area. Through mitigations and conditions approval, there are no deficiencies, and the site is suitable for the change in zoning.

**3. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.**

**Facts to Support This Finding:** The proposed Zone Change is consistent with a City-sponsored zoning change that is currently in development that will modify this area to Downtown Mixed Use. To review the specific impacts of this proposed Project, however, an Environmental Impact Report was submitted that analyzed all the potential impacts, and the anticipated impacts from the Project are less than significant or can be reduced to less than significant levels with the implementation of mitigation measures to traffic, noise, air quality, geology, hazards, and utilities and service systems. Therefore, the Zone Change would not be detrimental to the public interest, health, safety, convenience, or general welfare of adjacent uses in the vicinity and of this property. Further, the mixed-use project will provide a superior development to this site and add to the vitality of the area.

### **Minor Use Permits**

Section 9107.09.050(B) of the Development Code requires that for a Minor Use Permit to be granted, it must be found that all of the following prerequisite conditions can be satisfied. In this case the Minor Use Permits being requested include multi-family housing in a downtown zone, valet parking, and outdoor dining.

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

**Facts to Support This Finding:** Approval of the proposed mixed-use Project would be consistent with the new General Plan Land Use Designation of Downtown Mixed Use, which allows a residential density of 80 units per acre and a commercial floor area ratio of 1.0. This land use designation allows mixed-use developments and strongly encourages a pedestrian-oriented environment with a complementary mix of commercial and residential uses. The residential units will provide vitality and an urban effect to the area, and the proposed restaurants will help generate increased activity along Huntington Drive and will continue to convey a commercial appearance along the street. Valet parking and outdoor dining are expected and encouraged in such a setting. Therefore, the proposed mixed-use development will not adversely affect the comprehensive General Plan and is consistent with the following General Plan goals and policies:

Land Use and Community Design Element

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

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

**Facts to Support This Finding:** The subject site will be zoned Downtown Mixed Use (DMU), which allows for mixed-use developments subject to the approval of a Minor Use Permit (MUP). The proposed Project complies with all the development standards of the DMU zone, including but not limited to setbacks, height, open space, density, parking, The Project provides the requisite number of low or very low-income units to qualify for a density bonus AND relaxation of parking requirements per density bonus law under SB 1818. As such, the Project meets the Municipal Code requirements as well as State law.

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

**Facts to Support This Finding:** The subject site is 2.33 acres in size and is located in the Downtown Mixed Use (DMU) zone. The site is surrounded by commercial uses consisting of the Hampton Inn and Embassy Suites hotels, as well as commercial centers to the east and south of the property. All of these properties are currently zoned Commercial. However, as has been stated, the City is currently working on a major rezoning and General Plan land use designation effort which will change this property and all surrounding properties to the very zoning and land use being proposed. As such, this Project embodies what the goals of the DMU zone are, with a mix of residential and commercial uses. Therefore, the development and operation of the mixed-use development will be compatible with the existing and future land uses in the vicinity.

4. **The site is physically suitable in terms of:**

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

**Facts to Support This Finding:** The Project site is 2.33 acres in size and can physically accommodate the proposed mixed-use development. The residential component of the Project will provide a density of approximately 96 units per acre, which is in compliance with the maximum density for the area due to the density bonus permitted as a result of the affordable housing units being provided. The commercial component of the Project will have a floor area ratio (FAR) below the maximum allowable FAR of 1.0. Additionally, the amount of on-site parking that will be provided for this Project meets and exceeds the minimum required by State law for projects providing affordable housing units that are in close proximity to the Gold Line Station.

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

**Facts to Support This Finding:** The Project site is located on the north side of Huntington Drive and the west side of Gateway Drive. These streets are adequate in width and pavement type to carry emergency vehicles and traffic generated by the proposed use on the site.

- c. Public protection services (e.g., fire protection, police protection, etc.).**

**Facts to Support This Finding:** The Fire and Police Departments have reviewed the application and determined that there will be no impacts to public protection services. The need for new or altered Fire or Police services is usually associated with substantial population growth. The proposed mixed-use development is not anticipated to cause substantial population growth since the City's current housing and residential population is below Southern California Association of Governments (SCAG's) predicted housing, and the Project's addition of 608 residents will not exceed the SCAG's population estimate of 58,821 residents in 2025. Therefore, no impacts to public protection services are anticipated. Development of Downtown Arcadia has been anticipated and planned for since the General Plan was updated in 2010. Mixed use developments and residential units have been expected since that time on the part of public protection services and, as mentioned, the City is working on a major zone change for a large portion of this area to a similar land use type.

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

**Facts to Support This Finding:** As part of the development, new utility connections, including connections for potable water and storm drainage, will be required. Implementation of best management practices by the Applicant during construction and operation would ensure impacts to water quality do not occur. The site can be adequately served by all required utilities through interconnection with existing utilities within City right-of-way abutting the site. The Project will require a fair-share payment for upsizing of a sewer line, which is anticipated to be built by the City.

- 5. The measure of site suitability shall be required to ensure that the type, density, and intensity of use being proposed will not adversely affect the public convenience, health, interest, safety, or general welfare, constitute a**

**nuisance, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zone in which the property is located.**

**Facts to Support This Finding:** The proposed mixed-use development is not anticipated to have adverse effects on the public health or welfare, or the surrounding neighborhood. The Project will be compatible with the surrounding uses in the general area. Additionally, the Environmental Impact Report prepared for the Project assessed all the potential impacts from the Project and it was determined that there would be no significant impacts to traffic, noise, air quality, or water quality. Therefore, the proposed use will not adversely affect the public convenience, health, interest, safety or general welfare of adjacent uses in the vicinity and zone of the subject property.

### ***Density Bonus***

The proposal includes a density bonus of 20%, which is allowed based on the provision of 5% of the units being designated for very low-income senior residents. The findings below are required for a density bonus to be permitted.

- 1. The Project will be consistent with the General Plan, except as provided by this section with regard to maximum density, density bonuses, and other incentives and concessions.**

**Facts in Support of the Finding:** The Project is consistent with the Downtown Mixed Use land use designation in the General Plan, as well as the zoning requirements of the DMU zone. The Project meets the following policies of the General Plan Land Use Element: LU-1.1, LU-1.8, LU-4.2, LU 4.3, LU-6.4, and LU-6.5.

- 2. The approved number of dwellings can be accommodated by existing and planned infrastructure capacities.**

**Facts in Support of the Finding:** The Project proposes 214 dwelling units, which includes 9 affordable units for seniors. All relevant utility providers and service providers reviewed the proposed Project and have declared that the Project can be served with existing and/or planned infrastructure. The Arcadia General Plan has anticipated mixed-use development in Downtown Arcadia since 2010. The infrastructure has been reviewed and analyzed with this in mind and the Project can be accommodated. Additionally, the City is planning a major rezoning effort which will include this Project and surrounding properties.

- 3. Adequate evidence exists to indicate the project will provide affordable housing in a manner consistent with the purpose and intent of this Section.**

**Facts in Support of The Finding:** The Applicant had been conditioned to provide a Density Bonus Housing Agreement which specifies that 9 units will be provided for very low-income senior residents. This document must be recorded prior to the issuance of a Certificate of Occupancy for the Project and shall run with the property. This will provide the necessary surety that these units will remain affordable over time.

- 4. In the event that the City does not grant at least one financial concession or incentive as defined in Government Code Section 65915 in addition to the density bonus, that additional concessions or incentives are not necessary to ensure affordable housing costs as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Government Code 65915(C.).**

**Facts in Support of the Finding:** The Project is proposing a density bonus of 20% based on the provision of 5% affordable units at the very low-income level, which is allowable per State law. In addition, the Project is utilizing the parking relaxation requirements allowed due to the provision of affordable housing and proximity to transit. The Project is also being granted a concession for Development Code standards related to the dimensions of parking spaces and aisle width. As such, the Project can meet all other zoning requirements and standards and no additional concessions or incentives are necessary to meet the targeted affordability.

- 5. There are sufficient provisions to guarantee that the units will remain affordable for the required time period.**

**Facts in Support of the Finding:** The Applicant has been conditioned to submit a draft Density Bonus Housing Agreement which will be finalized and agreed to by both parties prior to recordation. The document will be required to be recorded prior to the issuance of a Certificate of Occupancy for the Project.

## **ENVIRONMENTAL ASSESSMENT**

An Environmental Impact Report (EIR) was prepared for this project by Dudek to evaluate potential environmental impacts that would result from implementation of the project (State Clearinghouse No. 2022100298). Please see the link to the EIR and associated technical studies as Attachment No. 6 to this Staff Report.

The EIR provides an introduction, review of the environmental setting for the project, a project description, a review of all the required sections for environmental analysis, and a review of alternatives. The sections of environmental analysis that were reviewed include:



- Aesthetics
- Air Quality
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services and Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems

Upon a complete review of all of the topics listed above, the EIR concluded that there are a number of mitigation measures required for the project. With the incorporation of these mitigation measures, however, the project will have no significant impacts. As such, a Mitigation Monitoring and Reporting Program (MMRP) will be provided to ensure that these mitigations occur. A summary of the required mitigations is provided below. For a full description of the mitigations, please see the EIR (link provided as Attachment No. 6):

- MM-CUL-1: Requirement for a Worker Environmental Awareness Program to educate those on the site as to archaeological resources that may be uncovered during grading, excavation or construction and requirements for procedures to protect any archaeological resources.
- MM-GEO-1: Requirement for retention of a paleontologist to educate workers and prepare guidelines for awareness of potential paleontological resources and procedures if they are located.
- MM-HAZ-1: Preparation of a Hazardous Building Materials Survey.
- MM-HAZ-2: Soil Management Plan related to the potential presence of contaminated materials during excavation.
- MM-NOI-1: Mitigations for noise attenuation during the construction process.
- MM-TRA-1: Requirement for modifications to the raised median along Huntington Drive to facilitate queueing.
- MM-TRA-2: Requirement for a detailed parking signage plan to direct drivers and differentiate between uses.
- MM-TRA-3: Preparation of a Construction Traffic Control Plan.
- MM-TCR-1: Retention of a Native American monitor from the Kizh Nation prior to any ground disturbance activities to ensure protection of any Tribal cultural resources.
- MM-TCR-2: Ensure any human remains are reported to Coroner and proper protections are in place.

- MM-TCR-3: Protocols in the event that human remains are discovered which are relevant to the Tribe.
- MM-UTL-1: Requirement for fair-share payment for upgrade of City sewer line to serve project.

The Draft EIR was distributed for public review on August 3, 2023, and the public review period was from August 4, 2023, through September 19, 2023. Comment letters were received from the following interested parties. Copies of all of the comment letters are included as Attachment No. 6.

- Caltrans
- Lozeau Drury on behalf of Supporter's Alliance for Environmental Responsibility
- Mitchell Tsai on behalf of the Southwest Regional Council of Carpenters

A Response to Comments (RTC) to each of the comment letters are also included within Attachment No. 6.

### **PUBLIC NOTICE/COMMENTS**

A public hearing notice for this item was published in the Arcadia Weekly newspaper and mailed to the property owners located within 300 feet of the subject property on November 7, 2023. In addition, a community meeting was held by the Arcadia Historical Society with the Applicant to answer questions about the project. While this meeting was not part of the City's official process, it is important to note that this meeting was well attended with approximately 35 people. Except for the comments listed above related to the Draft EIR, as of November 20, 2023, no public comments were received regarding this project.

### **RECOMMENDATION**

It is recommended that the Planning Commission recommend approval of General Plan Amendment No. GPA 22-01, Zone Change No. ZC 22-01, Minor Use Permit No. MUP 22-02, Architectural Design Review No. ADR 22-06, along with a density bonus and lot line adjustment to the City Council, and adopt Resolution No. 2134, subject to the following conditions of approval:

1. The Applicant/Property Owner shall provide a Density Bonus Housing Agreement that will ensure that at least 9 units are reserved on site as housing for very low-income senior residents. The Density Bonus Housing Agreement must be recorded in the Office of the Los Angeles Recorder's office prior to the issuance of a Certificate of Occupancy for the project. Prior to their recordation, the Applicant/Property Owner shall submit the Agreement to the City for review and approval by the City and shall obtain the City Attorney's approval thereof. For this purpose, the Applicant/Property Owner shall submit to the City with the proposed Agreement a deposit of \$5,000 for purposes of such review, of which any funds remaining after review of the Agreement by the City shall be returned to the Applicant/Property Owner.

2. A comprehensive landscaping plan, consistent with the conceptual landscape plan approved as part of the Project, prepared by a licensed landscape architect must be submitted as part of building plan check and subject to the approval of the Deputy Development Services Director or designee.
3. The existing Derby signage is to be refurbished and maintained in accordance with the approved plans.
4. A lot line adjustment must be approved and recorded with LA County prior to the issuance of building permits.
5. The project shall comply with the latest adopted edition of the following codes as applicable:
  - a. California Building Code
  - b. California Electrical Code
  - c. California Mechanical Code
  - d. California Plumbing Code
  - e. California Energy Code
  - f. California Fire Code
  - g. California Green Building Standards Code
  - h. California Existing Building Code
  - i. Arcadia Municipal Code
6. The project shall comply with Chapter 35A Multiple Family Construction Standards as amended in Arcadia Municipal Code Section 8130.20.
7. Prior to the approval of the building plans the Applicant/Property Owner shall prepare public street improvement plans as follows:
  - a. Prepare separate Street Improvement Plan(s) for Huntington Drive & Gateway Drive along all property frontages from property line to property line to accommodate the changes to the parkway and street, including all removals, reconstruction, relocations, and news-rack removal (Huntington Drive) in the public right-of-way.
  - b. Included on the Street Improvement Plans will be removal of the eastbound and southbound raised medians at the intersection of Huntington Drive & Gateway Drive to create longer left-turn pockets for vehicles entering and exiting the site.
  - c. Striping plans for the Huntington Drive & Gateway Drive intersection will be required with minimum widths of 10 feet for the left-turn pockets and a minimum of 12 feet through/right turn lane next to the curb (Gateway Drive).
8. Prior to approval of the building plans the Applicant/Property Owner shall submit LID, Hydrology, and Soils Reports for review and approval.

9. Prior to approval of the building plans the Applicant/Property Owner shall either construct or post security for all public improvements as follows:
  - a. Remove and replace existing sidewalk, curb and gutter along all property frontages from property line to property line to the satisfaction of the City Engineer. Include additional sidewalk to provide adequate clearance around all obstacles.
  - b. Remove and replace all driveway approaches per City standard plan.
  - c. Construct new ADA accessible ramps/domes at driveways where stop signs are proposed.
  - d. Coordinate with Public Works Services on protection of street trees along Huntington Drive and Gateway Drive including the installation of any new street trees.
  - e. Remove and replace the pavement in Gateway Drive adjacent to the development's entire frontage from gutter to gutter per approved street improvement plan.
  - f. Remove raised center medians on Huntington Drive and Gateway Drive and planter area on Huntington Drive with full depth pavement section matching existing thickness per approved street improvement plan.
  - g. Because Huntington Drive is currently under Moratorium, if project is completed prior to 9/22/2026, grind and overlay the pavement in Huntington Drive with extra limits of pavement repair adjacent to the development for the entire frontage from gutter to the centerline of the street or curb of raised median.
  - h. Restripe Huntington Drive & Gateway Drive per approved striping plan.
10. Prior to final occupancy an additional 1-foot minimum easement shall be required on Gateway Drive to accommodate a full 10-foot parkway for sidewalk and utility purposes providing 4foot wide ADA access/path of travel around all obstructions and driveways.
11. Prior to final occupancy, a plan for the proposed regulations of parking along the Huntington Drive curb in front of the project shall be submitted to the City Engineer for review and approval. This area is not to be reserved for short-term parking but rather will be designated by the City Engineer.
12. Street trees shall be preserved as per the Arborist Report dated June of 2023. Any removal and replacement of street trees shall be coordinated with the Public Works Services Department and the appropriate fees shall be paid prior to the issuance of a Certificate of Occupancy. All trees remaining on site during and after construction shall be protected utilizing the recommendations provided in the Arborist report.

13. The project is subject to Industrial Waste requirements. This will be reviewed through the submittal of plumbing plans. Grease Interceptors are required for all restaurants.
14. A 12" cast iron water main with 59 psi static pressure is available on the south side of Huntington Dr, and a 12" cast iron water main with 60 psi static pressure is available on Gateway Dr. Both mains are available for domestic water and/or fire services. The Applicant/Property Owner shall provide calculations prepared by a licensed Civil or Mechanical Engineer to determine the maximum domestic demand, maximum commercial demand, and maximum fire demand in order to verify the required sizes of water services.
15. The Applicant/Property Owner shall provide separate water services and meters for residential, commercial, and common area landscape irrigation uses. All water services will require approved reduced pressure backflow devices for meter services protection.
16. Domestic water service for residential dwelling units shall be provided by a common master meter installed within the public right of way.
17. Fire protection requirements shall be as stipulated by the Arcadia Fire Department and shall be conformed to Arcadia Standard Plan. A separate fire service with Double Check Detector Assembly (DCDA) shall be installed. Location of DCDA shall be closed to the public right of way and can't be inside the building.
18. A Water Meter Clearance Application shall be submitted to the Public Works Services Department prior to permit issuance.
19. New water service installations shall be installed by the Applicant/Property Owner. Installation shall be according to the specifications of the Public Works Services Department, Engineering Division. Abandonment of existing water services, if necessary, shall be carried out by the Applicant/Property Owner, according to Public Works Services Department, Engineering Division specifications.
20. Several City sewer lines are in the project vicinity as provided below, the Applicant/Property Owner shall utilize existing sewer laterals, if possible.
  - a. An 8" VCP sewer main is available on Huntington Dr.
  - b. An 8" VCP sewer main is available at the site, which leads to Huntington Dr.
  - c. An 8" VCP sewer main is available on Gateway Dr.
21. Prior to a Certificate of Occupancy being issued for the project, the applicant/property owner shall make a fair share contribution to a sewer upgrade project in Fifth Avenue. This fair share payment is memorialized as Mitigation Measure UTL-1.

22. If the proposed underground parking structure and/or any part of the building footprint lies within five feet of the existing 8" on-site sewer line, the Applicant/Property Owner shall remove or abandon the entire ~200' long line. Access to the upstream manhole on that line shall be maintained if the line has not been removed or abandoned.
23. If any drainage fixture elevation on any floor is lower than the elevation of the next upstream manhole cover, an approved type of backwater valve is required to be installed on the lateral behind the property line.
24. Since the proposed project exceeds 1 acre of disturbed land, applicant must file a Notice of Intent with the State Water Resources Control Board for a General Construction NPDES Permit. The NOI will require certain items such as preparation of the Stormwater Pollution Prevention Plan (SWPP), applicable fees, etc. The City will not approve any grading plans until a Waste Discharger Identification (WDID) has been issued by the State.
25. The proposed project is subject to LID requirements. Applicant/Property Owner shall integrate low impact development (LID) strategies into the site design. These strategies include using infiltration trenches, bioretention planter boxes, roof drains connected to a landscaped area, pervious concrete/paver, etc.
26. Trash/recycling bins shall be configured to provide easy access for trash collection services. There should be 1 foot clearance around the trash bins/recycling bins and all bins/carts shall meet the specifications of the Public Works Services Department. At a minimum, trash enclosure areas should accommodate three containers: a 3-yard bin for trash, 3-yard bin for recycling, and 69/96 gallon sized carts for organics recycling. Roof clearance must be 10 feet so trucks can access bins to empty.
27. All areas shall be fire sprinklered. The sprinkler systems serving commercial areas and residential areas shall be segregated.
28. The fire sprinkler system shall be monitored by a UL listed central station. Notification appliances shall be provided in all common areas and residential areas.
29. Class I standpipes shall be provided inside all stairwells on all levels including the roof.
30. New hydrants shall be provided at the following street frontage locations:
  - a. One on the west side of Gateway Drive, towards the north of property
  - b. One on the north side of Huntington Drive, towards the west of property

31. An Emergency Responder Radio Coverage System shall be provided.
32. A knox box shall be provided adjacent to the Lobby area and outside stairwells. Any automatic gates used in parking areas shall be equipped with a knox switch.
33. The emergency gate serving the north side of the property currently acts as a drive through for ladder truck access. The proposed layout will eliminate that access. An approved alternative method of ladder truck turn-around shall be provided to Arcadia Fire Department for review prior to any permit issuance.
34. The project is responsible for contributing a fair-share payment toward the installation of a cloud-based mitigation system being completed by the Fire Department to ensure response times are maintained or enhanced given new development. This fair-share payment shall be attributed to the seven (7) immediately adjacent intersections evaluated in the traffic study for the project, and the payment shall not exceed \$17,500.
35. The project shall be developed and maintained by the Applicant/Property Owner in a manner that is consistent with the plans submitted and conditionally approved for General Plan Amendment No. GPA 22-01, Zone Change No. ZC 22-01, Minor Use Permit No. MUP 22-02, Architectural Design Review No. ADR 22-06 along with a density bonus and lot line adjustment, subject to the satisfaction of the Deputy Development Services Director. Noncompliance with the plans, provisions and conditions of approval shall be grounds for immediate suspension or revocation of any approvals.
36. The Applicant/Property Owner shall be responsible for the repair of all damage to public improvements in the public right-of-way resulting from construction related activities, including, but not limited to, the movement and/or delivery of equipment, materials, and soils to and/or from the site. This shall be determined by the City Engineer and/or Public Works Services Director during construction and up until issuance of a Certificate of Occupancy.
37. Prior to issuance of a building permit, the Applicant/Property Owner shall submit a parking management plan which shall include both a detailed valet parking plan for the project as well as a parking staging plan for all phases of construction so as to minimize impacts on surrounding businesses and street parking. Said plan shall be subject to review and approval by the Deputy Development Services Director, or designee.
38. Per the recommendations of the Parking Management and Valet Parking Analysis, space counters shall be installed for self-park spaces and dynamic parking displays shall be placed at the Gateway Drive garage driveway entrance indicating the number of self-park spaces occupied and available within the garage. These

parking displays shall also be visible from Huntington Drive. All self-park spaces shall be clearly marked.

39. A detailed parking signage plan shall be provided along with Building Permit plans that meets the recommendations of the Derby Parking Management/Valet Operations Analysis dated July, 2023. Signage shall include directional signage for both valet and self-park users, as well as directional signage in both the courtyard area and parking structure to avoid confusion.
40. All City requirements regarding disabled access and facilities, occupancy limits, building safety, health code compliance, emergency equipment, environmental regulation compliance, and parking and site design shall be complied with to the satisfaction of the Building Official, City Engineer, Deputy Development Services Director, Fire Marshal, and Public Works Services Director. Any changes to the existing facility may be subject to having fully detailed plans submitted for plan check review and approval by the aforementioned City officials and employees and may subject to separate building permits.
41. To the maximum extent permitted by law, the Applicant/Property Owner must defend, indemnify, and hold the City, any departments, agencies, divisions, boards, and/or commissions of the City, and its elected officials, officers, contractors serving as City officials, agents, employees, and attorneys of the City ("Indemnitees") harmless from liability for damages and/or claims, actions, or proceedings for damages for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Applicant's activities in connection with GPA 22-01, ZC 22-01, MUP 22-02, ADR 22-06, a Density Bonus and Lot Line Adjustment ("Project"), and which may arise from the direct or indirect operations of the Applicant or those of the Applicant's contractors, agents, tenants, employees or any other persons acting on Applicant's behalf, which relate to the development and/or construction of the Project. This indemnity provision applies to all damages and claims, actions, or proceedings for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for the Project.

In the event of any legal action challenging the validity, applicability, or interpretation of any provision of this approval, or any other supporting document relating to the Project, the City will notify the Applicant of the claim, action, or proceedings and will cooperate in the defense of the matter. The Applicant must indemnify, defend and hold harmless the Indemnitees, and each of them, with respect to all liability, costs and expenses incurred by, and/or awarded against, the City or any of the Indemnitees in relation to such action. Within 15 days' notice from the City of any such action, the Applicant shall provide to the City a cash deposit to cover legal fees, costs, and expenses incurred by City in connection with defense of any legal action in an initial amount to be reasonably determined



by the City Attorney. The City may draw funds from the deposit for such fees, costs, and expenses. Within 5 business days of each and every notice from City that the deposit has fallen below the initial amount, Applicant shall replenish the deposit each and every time in order for City's legal team to continue working on the matter. The City shall only refund to the Developer any unexpended funds from the deposit within 30 days of: (i) a final, non-appealable decision by a court of competent jurisdiction resolving the legal action; or (ii) full and complete settlement of legal action. The City shall have the right to select legal counsel of its choice. The parties hereby agree to cooperate in defending such action. The City will not voluntarily assist in any such third-party challenge(s). In consideration for approval of the Project, this condition shall remain in effect if the entitlement(s) related to this Project is rescinded or revoked, at the request of the Applicant or not.

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

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

42. **MM-CUL-1.** Prior to commencement of construction activities, an inadvertent discovery clause, written by an archaeologist, shall be added to all construction plans associated with ground disturbing activities and the Project Applicant shall retain a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology, to prepare a Worker Environmental Awareness Program (WEAP). The WEAP shall be submitted to the City of Arcadia Planning and Community Development Department (City) for review and approval. All construction personnel and monitors shall be presented the WEAP training prior to the start of construction activities. The WEAP shall be prepared to inform all personnel working on the Project about the archaeological sensitivity of the area, to provide specific details on the kinds of archaeological materials that may be identified during construction, to explain the importance of and legal basis for the protection of significant archaeological resources, and to outline the actions to be taken in the event of a discovery of cultural resources. Each worker shall also learn the proper procedures to follow in the event that cultural resources or human remains are uncovered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate contact of the site supervisor and archaeological monitor.

The WEAP shall require that a qualified archaeologist be retained and on-call to respond to and address any inadvertent discoveries identified during initial excavation in native soils, which underly the 2-4 feet below ground surface of artificial fill soils. As it pertains to archaeological monitoring, this definition excludes movement of sediments after they have been initially disturbed or displaced by project-related construction.

If potential archaeological resources (i.e., sites, features, or artifacts) are exposed during construction activities for the Project, the City shall be notified and all construction work occurring within 50 feet of the find shall immediately stop until a qualified archaeologist can evaluate the significance of the find and determine whether or not additional study is warranted. The archaeologist shall be empowered to temporarily stop or redirect grading activities to allow removal of abundant or large artifacts. Depending upon the significance of the find under the California Environmental Quality Act (CEQA) (14 CCR 15064.5[f]; PRC, Section 21082), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan and data recovery, may be warranted. The archaeologist shall also be required to curate any discovered specimens in a repository with permanent retrievable storage and submit a written report to the City of Arcadia for review and approval prior to occupancy of the first building on the site. Once approved, the final report shall be filed with the South-Central Coastal Information Center (SCCIC).

43. **MM-GEO-1.** In the event that paleontological resources (e.g., fossils) are exposed during construction activities for the Project, all construction work occurring within 50 feet of the find shall immediately stop until a Qualified Paleontologist meeting Society of Vertebrate Paleontology (SVP 2010) standards can evaluate the significance of the find and determine whether or not additional study is warranted. If the discovery is clearly not significant, the paleontologist may document the find and allow work to continue. If significant paleontological resources are discovered during earthmoving activities, the qualified paleontologist shall prepare and submit a Paleontological Resources Recovery Plan (PRRP) to the City for review and approval. The recovery plan shall include, but is not limited to, sampling and fossil recovery procedures, museum curation for any scientifically significant specimen recovered, and a report of findings. Recommendations in the PRRP as approved by the City shall be implemented before construction activities can resume at the site where the significant paleontological resources were discovered. Any reports and plans resulting from implementation of this measure shall be submitted to City Planning Division and filed with the Natural History Museum of Los Angeles County.
  
44. **MM-HAZ-1. *Hazardous Building Materials Survey.*** Prior to the issuance of a demolition permit for any existing on-site structures, a qualified environmental specialist shall conduct a survey for asbestos-containing materials, lead-based paint, polychlorinated biphenyls, mercury, and other hazardous building materials, such as universal wastes and refrigerants, to document the presence of any potentially hazardous materials within the structures. If survey results are positive, all potentially hazardous materials identified as part of this survey shall be handled and disposed in accordance with the federal and state hazardous waste and universal waste regulations. Demolition plans and contract specifications shall incorporate any necessary abatement measures in compliance with the findings of

the hazardous building materials survey and federal, state, and local regulations, including those of the U.S. Environmental Protection Agency (which regulates disposal), Occupational Safety and Health Administration, California Occupational Safety and Health Administration (which regulates employee exposure), the South Coast Air Quality Management District, and the Metallic Discards Act of 1991 (Public Resources Code, Section 42160 et seq.), particularly Public Resources Code, Section 42175, Materials Requiring Special Handling, for the removal of mercury switches, PCB-containing ballasts, and refrigerants. Upon completion of construction activities, proof of proper handling and disposal shall be provided to the City's Public Works Department.

45. **MM-HAZ-2. Contaminated Soil Management.** Prior to the issuance of a grading permit, the Project Applicant/Property Owner shall retain a qualified environmental professional to prepare a soil management plan (SMP) that outlines the proper screening, handling, characterization, transportation, and disposal procedures for contaminated soils on site based on the findings of the site-specific conditions, geophysical surveys, and Phase I and II Environmental Site Assessments, and shall identify any areas of known or suspected soil contamination. The SMP shall be provided to the City Development Services Department for review prior to any site grading. The Project's contractor shall ensure implementation of the SMP through the contract specifications for all confirmed and suspected contaminated soils which require excavation and offsite disposal. The SMP shall include health and safety and training procedures for construction workers who may come into contact with contaminated soils. The health and safety procedures shall include periodic breathing zone monitoring for volatile organic compounds (VOCs) using a handheld organic vapor analyzer and include required actions to be taken if concentrations of VOCs exceed applicable screening levels for health and safety of onsite workers and the public. The SMP shall also include instructions for the identification of potentially-impacted soils, procedures for temporary cessation of construction activity and evaluation of the level of environmental concern if potentially-impacted soils or underground storage tanks are encountered, procedures for characterizing and managing potentially-impacted soils, and follow-up procedures such as disposal and reporting, as necessary. Contaminated soil shall be managed and disposed of in accordance with applicable federal, state, and local regulations. Upon completion of construction activities, proof of compliance with the SMP shall be provided to the City's Development Services Department.
  
46. **MM-NOI-1.** Prior to the issuance of a demolition permit, the Project Applicant/Property Owner shall ensure that the following measures are included in the construction contractor's contract specifications and that the following measures are implemented and monitored for compliance throughout construction:

- All construction equipment must have supplier-approved sound muffling devices (e.g., engine air intake or exhaust treatment) installed and used in compliance with relevant industry standards and Cal/OSHA regulations pertaining to construction noise, which shall be properly maintained and used at all times such equipment is in operation.
  - The construction contractor shall place stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the Project site, including the hotels located adjacent to the northern and northwestern boundaries of the Project site.
  - The construction contractor shall locate on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the Project site during the construction period.
  - All noise producing construction activities, including warming-up or servicing equipment and any preparation for construction, shall be limited to the hours between 7:00 a.m. and 6:00 p.m. on weekdays.
  - An eight (8) foot tall temporary noise barrier shall be erected or installed along an extent of the northern Project site property line where it is adjacent to the nearest noise-sensitive receptor. The barrier can comprise one or more materials of construction and/or assembly, so long as the net sound transmission class (STC) is 15 or better, and thus expected to yield a minimum of 5 dB noise reduction when blocking direct sound paths between onsite Project construction noise-producing activities or equipment and the offsite receptor of concern. The horizontal extent of the installed barrier should be compatible with Caltrans or other industry guidance with respect to minimizing flanking effects around the ends of the barrier, based on both the offsite receptor position and the onsite position or zone of construction activity.
47. **MM-TRA-1.** Prior to the issuance of a grading permit, the Project Applicant/Property Owner shall coordinate with the City Engineer to prepare engineering plans that remove and reconfigure the raised median on E. Huntington Drive to extend the eastbound left-turn pocket to at least 75 feet. Plans shall be prepared and implemented to the satisfaction of the City's Public Works Director. The reconfigured median on E. Huntington Drive shall be completed and operational prior to the issuance of a certificate of occupancy for The Derby restaurant.
48. **MM TRA 2.** Prior to the issuance of a building permit, the Project Applicant/Property Owner shall prepare a Parking Signage Plan to clearly identify ingress/egress and circulation for residents and commercial visitors. The Parking

Signage Plan shall require that adequate signage be installed within the commercial section of the parking structure directing personal vehicles to use the Gateway Drive egress to exit the Project site, and to prohibit egress through the courtyard to E. Huntington Drive, in order to avoid conflicts with valet operations.

49. **MM-TRA-3.** Prior to the issuance of demolition or grading permits, the Project Applicant/Property Owner shall develop and implement a City-approved Construction Traffic Control Plan. The Plan shall be prepared in accordance with applicable City guidelines and shall address the potential for construction-related vehicular traffic, as well as pedestrian and bicycle circulation disruption in the public right-of-way. The Plan shall describe safe detours and shall include protocols for implementing the following: temporary traffic controls (e.g., a flag person during heavy truck traffic for soil export) to maintain smooth pedestrian and traffic flow; dedicated on-site turn lanes for construction trucks and equipment leaving the site; scheduling of peak construction truck traffic that affects traffic flow on the arterial system to off-peak hours; consolidation of truck deliveries; and/or rerouting of construction trucks away from congested streets or sensitive receptors.
50. **MM-TCR-1.** *Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities.* The project Applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.

A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.

The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or “TCR”), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project Applicant/lead agency upon written request to the Tribe.

On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the project Applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project Applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.

Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.

51. **MM-TCR-2. *Unanticipated Discovery of Human Remains and Associated Funerary Object.*** 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 Public Resources Code Section 5097.98, are also to be treated according to this statute.

If Native American human remains and/or grave goods discovered or recognized on the project site, then all construction activities shall immediately cease. Health and Safety Code Section 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and all ground-disturbing activities shall immediately halt and shall remain 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 they are Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.

Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).

Construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or burial goods, if the Kizh determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Kizh monitor and/or archaeologist deems necessary). (CEQA Guidelines Section 15064.5(f).)

Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. Any historic archaeological material that is not Native American in origin (non-TCR) 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, it shall be offered to a local school or historical society in the area for educational purposes.

Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

52. **MM-TCR-3. *Procedures for Burials and Funerary Remains.*** If it is determined, through compliance with Public Resources Code section 5097.98 and other applicable regulatory requirements that the Gabrieleño Band of Mission Indians - Kizh Nation is the Most Likely Descendant (MLD), the following shall be implemented:

As the MLD, the Koo-nas-gna Burial Policy 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 preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains.

If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.

The prepared soil and cremation soils 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. Cremations will either be removed in bulk or by means as necessary to ensure complete recovery of all sacred materials.

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.

In the event preservation in place is not possible despite good faith efforts by the project Applicant/Property Owner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects.

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.

The Tribe will work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does not authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains

53. **MM-UTL-1. Sewer Upgrade Fair Share Payment.** Prior to issuance of a Certificate of Occupancy permit for the Project, the Applicant/Property Owner shall make a fair share contribution of 9 percent of the Fifth Avenue sewer upgrade project cost, not to exceed \$108,000, to the City to help fund upgrading of the sewer line in Fifth Avenue. The Fifth Avenue Sewer Upgrade Project will be included in the City's 2024-25 Capital Improvement Plan budget and the work will be completed by the City's Public Works Department by the end of the 2024-25 Fiscal Year. This measure shall be implemented to the satisfaction of the City Engineer and/or the City Public Works Services Department as appropriate.

## **PLANNING COMMISSION ACTION**

### **Approval**

If the Planning Commission intends to recommend approval of this project to the City Council, the Commission should move to recommend approval of General Plan Amendment No. GPA 22-01, Zone Change No. ZC 22-01, Minor Use Permit No. 22-02, Architectural Design Review No. ADR 22-06, along with a density bonus and a lot line adjustment, state that the proposal satisfies the requisite findings, and adopt the attached Resolution No. 2134, and the conditions of approval as presented in this staff report, or as modified by the Commission.

### **Denial**

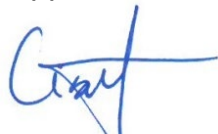
If the Planning Commission intends to recommend denial of the project to the City Council, the Commission should state the specific findings that the proposal does not



satisfy based on the evidence presented with specific reasons for denial, and move to recommend denial of General Plan Amendment No. GPA 22-01, Zone Change No. ZC 22-01, Minor Use Permit No. MUP 22-02, Architectural Design Review No. ADR 22-06, along with a density bonus and lot line adjustment, and direct staff to prepare a resolution for adoption at the next meeting that incorporates the Commission's recommendation and specific findings.

If any Planning Commissioner or other interested party has any questions or comments regarding this matter prior to the November 28, 2023, hearing, please contact Deputy Development Services Director Lisa Flores, at (626) 574-5445, or by email at lflores@ArcadiaCA.gov.

Approved:



Lisa L. Flores  
Deputy Development Services Director

- Attachment No. 1: Resolution No. 2134
- Attachment No. 2: Aerial Photo and Zoning Information and Photos of the Project Site
- Attachment No. 3: Lot Line Adjustment Plan
- Attachment No. 4: Architectural Plans
- Attachment No. 5: The Derby Parking Management/Valet Parking Operations Analysis memo
- Attachment No. 6: Final and Draft Environmental Impact Report and Technical Appendices – and link to them at [www.arcadiaca.gov/significantprojects](http://www.arcadiaca.gov/significantprojects)

# Attachment No. 10

Revised Final Environmental Impact Report, Draft Environmental Impact Report, and technical studies

Link to these documents:

Part 1 of 3: [Revised Final Environmental Impact Report](#)

Part 2 of 3: [Draft Environmental Impact](#)

Part 3 of 3: [Technical Studies](#)

# Attachment No. 11

Additional Comment Letters on EIR  
and Responses to Comments

[Link to these documents](#)

**ARCADIA CITY COUNCIL  
REGULAR MEETING MINUTES  
TUESDAY, NOVEMBER 21, 2023**

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**CALL TO ORDER** - Mayor Verlato called the Closed Session to order at 6:00 p.m.

**ROLL CALL OF CITY COUNCIL MEMBERS**

PRESENT: Cheng, Kwan, Wang, Cao, and Verlato

ABSENT: None

**PUBLIC COMMENTS** – No one appeared.

**CLOSED SESSION**

- a. Pursuant to Government Code Section 54956.9 (d)(4) to confer with legal counsel regarding initiation of litigation: one (1) case.
- b. Pursuant to Government Code Section 54957.6 to confer with labor negotiators.

City Negotiators: City Manager Dominic Lazzaretto, and Assistant City Manager/Development Services Director Jason Kruckeberg.

Employee Organizations: Arcadia Public Works Employees Association, Arcadia City Employees Association, Arcadia Police Civilian Employees Association, Arcadia Police Officers' Association, Arcadia Firefighters' Association, and unrepresented employees: Department Heads, Division Managers, Supervisors, and part-time employees.

No reportable action was taken.

The Closed Session ended at 7:00 p.m.

**Regular Meeting  
City Council Chambers, 7:00 p.m.**

1. **CALL TO ORDER** – Mayor Verlato called the Regular Meeting to order at 7:06 p.m.
2. **INVOCATION** – Pastor Andre Bribiesca, Vessel Calvary Chapel Arcadia
3. **PLEDGE OF ALLEGIANCE** – Arcadia Troop 103 (Boys and Girls)
4. **ROLL CALL OF CITY COUNCIL MEMBERS**

PRESENT: Cheng, Kwan, Wang, Cao, and Verlato

ABSENT: None

5. **REPORT FROM CITY ATTORNEY REGARDING CLOSED/STUDY SESSION ITEMS**

City Attorney Maurer reported that prior to the Regular Meeting the City Council met in Closed Session to discuss the two items listed on the posted agenda; and stated that no reportable action was taken.

**6. SUPPLEMENTAL INFORMATION FROM CITY MANAGER REGARDING AGENDA ITEMS**

City Manager Lazzaretto announced that an email was received from Arcadia resident, Sonia Martin, regarding her Public Comment for Item 8.a.

**7. PRESENTATIONS**

- a. Presentation of Mayor's Certificates of Commendation to Breeders' Cup Captains.
- b. Presentation by the Water Quality Authority to the City Council and Community.

**8. APPOINTMENTS**

- a. Appointment to the Recreation and Parks Commission.  
CEQA: Not a Project  
Recommended Action: Make Appointment to Fill Unexpired Term

City Manager Lazzaretto presented the Staff Report and the City Council conducted the nomination process.

Council Member Kwan nominated Roberto Ayala.

Council Member Wang nominated Roberto Ayala.

Council Member Cheng nominated Jamie Lee.

Mayor Pro Tem Cao nominated Jamie Lee.

Seeing no other nominations, the City Council proceeded to discuss the candidates, and ultimately cast their votes as follows:

Council Member Cheng – Jamie Lee  
Council Member Kwan – Roberto Ayala  
Council Member Wang – Roberto Ayala  
Mayor Pro Tem Cao – Jamie Lee  
Mayor Verlatto – Roberto Ayala

As a result, Roberto Ayala was appointed to the Recreation and Parks Commission to fill the unexpired term ending June 30, 2024, on a 3 to 2 vote.

**9. PUBLIC COMMENTS**

Evelyn, an Arcadia resident, appeared and shared her concern for the safety of peafowl at the intersection Golden West Avenue and Victoria Drive; and she recommended a 4-way stop or other traffic safety signage indicating that peafowl frequently cross the roadway in this area.

**10. REPORTS FROM MAYOR, CITY COUNCIL AND CITY CLERK (including reports from the City Council related to meetings attended at City expense [AB 1234]).**

Mayor Pro Tem Cao provided a report on the various events that he attended or will be attending as a representative of the City and indicated that he met with the Deputy Under Secretary of the

United States Army to discuss what more could be done for our U.S. Service Members, past and present.

Council Member Cheng provided a report on the various events that he attended or will be attending as a representative of the City and thanked all Veterans, his fellow Council Members, staff, and the Breeders Cup volunteers for making Arcadia great.

Council Member Wang provided a report on the various events that she attended as a representative of the City and she extended her deepest gratitude to City staff and wished everyone a Happy Thanksgiving.

Council Member Kwan provided a report on the various events that she attended or will be attending as a representative of the City and she asked for City Council support to come up with a concrete plan to combat the unhoused problem in Arcadia.

City Clerk Glasco thanked the Recreation and Community Services Department for hosting a Senior Veterans Day Lunch and Mayor Verlato for officiating the ceremony; he announced his appreciation for American Legion Post 628 and shared about the level of fundraising they have done for Arcadia.

Mayor Verlato provided a report on the various events that she attended or will be attending as a representative of the City and shared a letter from Pete Siberell thanking the City for its support of Breeders' Cup; she shared homelessness data provided by LACADA; and she wished all a Happy Thanksgiving and asked residents to consider giving to Foothill Unity Center as they will be providing dinners to families in need.

## 11. CONSENT CALENDAR

- a. Regular Meeting Minutes of November 7, 2023.  
CEQA: Not a Project  
Recommended Action: Approve
- b. Resolution No. 7536 approving a Ninth Amendment to the Agreement and Lease by and between the City of Arcadia and Methodist Hospital of Southern California.  
CEQA: Not a Project  
Recommended Action: Adopt and Approve
- c. Professional Services Agreement with Stetson Engineers, Inc. for the Chapman Water Facility Feasibility Study in the amount of \$71,900.  
CEQA: Not a Project  
Recommended Action: Approve
- d. Contract with General Pump Company, Inc. for the inspection and rehabilitation of the Orange Grove Well 2A Project in the amount of \$333,800.  
CEQA: Exempt  
Recommended Action: Approve
- e. Contract with California Coast Carpet & Flooring for the Fire Station 105 and Fire Station 106 Carpet Replacement Project in the amount of \$95,049.62.  
CEQA: Exempt  
Recommended Action: Approve

- f. City Water and Sewer Rates for Calendar Year 2024.  
CEQA: Not a Project  
Recommended Action: Receive and File
  
- g. Revision to the part-time hourly wage schedules to adjust the Fire Prevention Aide wage range.  
CEQA: Not a Project  
Recommended Action: Approve
  
- h. Approve the Annual Development Impact Fee Report for Fiscal Year 2022-23 pursuant to Government Code Section 66006.  
CEQA: Not a Project  
Recommended Action: Approve

It was moved by Mayor Pro Tem Cao, seconded by Council Member Wang, and carried on a roll call vote to approve Consent Calendar Items 11.a. through 11.h.

AYES: Wang, Cheng, Kwan, Cao, and Verlato  
NOES: None  
ABSENT: None

## 12. ADJOURNMENT

The City Council adjourned at 8:56 p.m. to Tuesday, December 5, 2023, at 6:00 p.m. in the City Council Conference Room.



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Rachelle Arellano  
Assistant City Clerk

**ARCADIA CITY COUNCIL  
REGULAR MEETING MINUTES  
TUESDAY, DECEMBER 05, 2023**

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**CALL TO ORDER** - Mayor Verlato called the Study Session to order at 6:00 p.m.

**ROLL CALL OF CITY COUNCIL MEMBERS**

PRESENT: Cheng, Kwan, Wang, Cao, and Verlato

ABSENT: None

**PUBLIC COMMENTS** – No one appeared.

**STUDY SESSION**

- a. Report, discussion, and direction concerning Citywide Re-Zoning effort to implement the Housing Element and submittal to the State Department of Housing and Community Development.

City Manager Lazzaretto and Assistant City Manager/Development Director Kruckeberg provided the City Council with a report concerning Citywide re-zoning efforts and affordable housing projects. No action was taken by the City Council on this item. The City Council received and filed the report.

The Study Session ended at 6:52 p.m.

**Regular Meeting  
City Council Chambers, 7:00 p.m.**

1. **CALL TO ORDER** – Mayor Verlato called the Regular Meeting to order at 7:01 p.m.
2. **INVOCATION** – Reverend Eva Thai-Erwin, Church of the Good Shepherd
3. **PLEDGE OF ALLEGIANCE** – Cub Scout Pack 122 – Highland Oaks Elementary School
4. **ROLL CALL OF CITY COUNCIL MEMBERS**

PRESENT: Cheng, Kwan, Wang, Cao, and Verlato

ABSENT: None

5. **REPORT FROM CITY ATTORNEY REGARDING CLOSED/STUDY SESSION ITEMS**

City Attorney Maurer reported that prior to the Regular Meeting the City Council met in Study Session to discuss the one item posted on the agenda; the City Council heard information about future re-zonings that will be brought forward at future City Council Meeting in early 2024.

6. **SUPPLEMENTAL INFORMATION FROM CITY MANAGER REGARDING AGENDA ITEMS**

City Manager Lazzaretto had nothing to report.

7. **PUBLIC COMMENTS**

Rabbi Sholom Stiefel appeared and shared his appreciation for the City's support on behalf of the Jewish community; he announced that Hannukah is upcoming and there will be two celebrations



to attend: the first will be held on Monday, December 11 at 5:30 p.m. at the Transit Plaza, and the second on Wednesday, December 13 at the Shops at Santa Anita from 5:00 – 6:00 p.m.

**8. REPORTS FROM MAYOR, CITY COUNCIL AND CITY CLERK (including reports from the City Council related to meetings attended at City expense [AB 1234]).**

Mayor Pro Tem Cao provided a report on the various events that he attended or will be attending as a representative of the City; he also shared some research data on the impacts of zero bail on communities and local governments and announced the need to collectively make a stand for the victims of zero bail crimes.

Council Member Cheng provided a report on the various events that he attended or will be attending as a representative of the City and he thanked City Council and staff and wished everyone a Happy Holiday season.

Council Member Wang provided a report on the various events that she attended or will be attending as a representative of the City and spoke about the recent smash-and-grab at the Shops at Santa Anita and thanked the Arcadia Police Department for a quick response.

Council Member Kwan provided a report on the various events that she attended or will be attending as a representative of the City and indicated that smash-and-grabs are happening everywhere and recommended Department Stores use canines to deter thefts.

City Clerk Glasco applauded Council Members Kwan's recommendation to have canines in Department Stores; he further announced that during the holiday season the bridge will be lit up in various holiday colors and thanked the City for encouraging the holiday spirit.

Mayor Verlatto provided a report on the various events that she attended or will be attending as a representative of the City and noted the recent smash-and-grab at the Shops at Santa Anita and asked Chief Nakamura to speak about the incident.

Chief Nakamura appeared and indicated that it is an active investigation and no arrests have been made; he advised residents not to intervene but instead be a good witness, observe and report to the Police Department, immediately.

City Manager Lazzaretto added that it is very important to follow the "See something. Say Something" protocols and report suspicious activity.

In response to City Council remarks Chief Nakamura indicated that there are extra patrols at the mall for the holiday season.

**9. CONSENT CALENDAR**

- a. Resolution No. 7537 approving wage adjustments for unrepresented, non-benefited part-time employees in accordance with California's minimum wage increase effective January 1, 2024.  
CEQA: Not a Project  
Recommended Action: Adopt
  
- b. Joint Tax Transfer Resolution from the County of Los Angeles Board of Supervisors approving and accepting the negotiated exchange of property tax revenue resulting from the annexation of territory known as Reorganization 2023-02 to the City of Monrovia and detachment from the City of Arcadia for the property addressed as 923 S. 10<sup>th</sup> Avenue.

CEQA: Not Applicable  
Recommended Action: Approve and Adopt

- c. Extension to the Professional Services Agreement with Mariposa Landscapes, Inc. for Landscape Maintenance Services in the amount of \$646,234.64.  
CEQA: Not a Project  
Recommended Action: Approve
- d. Purchase Order with 72 Hour LLC dba National Auto Fleet Group for the purchase of one 2025 Freightliner CNG Dump Truck in the amount of \$257,889.66.  
CEQA: Not a Project  
Recommended Action: Approve
- e. Purchase Order with Flock Safety for the annual renewal of the automated license plate reader ("ALPR") camera subscription for Fiscal Year 2023-24 in an amount not to exceed \$50,000.  
CEQA: Not a Project.  
Recommended Action: Approve

It was moved by Mayor Pro Tem Cao, seconded by Council Member Kwan, and carried on a roll call vote to approve Consent Calendar Items 9.a. through 9.e.

AYES: Cao, Kwan, Cheng, Wang, and Verlato  
NOES: None  
ABSENT: None

## 10. CITY MANAGER

- a. Resolution No. 7534 declaring, in perpetuity, January 28 as Stand Against Hate Action Day.  
CEQA: Not a Project  
Recommended Action: Adopt

Deputy City Manager Bruno presented the staff report.

It was moved by Council Member Kwan, seconded by Council Member Cheng, and carried on a roll call vote to adopt Resolution No. 7534 declaring, in perpetuity, January 28 as Stand Against Hate Action Day.

AYES: Kwan, Cheng, Wang, Cao, and Verlato  
NOES: None  
ABSENT: None

## 11. ADJOURNMENT

The City Council adjourned at 8:21p.m. to Tuesday, December 19, 2023, at 6:00 p.m. in the City Council Conference Room.



Rachelle Arellano  
Assistant City Clerk



# STAFF REPORT

Development Services Department

**DATE:** December 19, 2023

**TO:** Honorable Mayor and City Council

**FROM:** Jason Kruckeberg, Assistant City Manager/Development Services Director  
Prepared By: Lisa Flores, Deputy Development Services Director

**SUBJECT:** RESOLUTION NO. 7533 ACCEPTING DEDICATIONS FOR STREET AND SIDEWALK PURPOSES, AND EASEMENTS FOR SIDEWALKS AND PUBLIC UTILITIES FROM THE PROPERTY AT 150 NORTH SANTA ANITA AVENUE AND SURROUNDING PROPERTIES AS PART OF PARCEL MAP NO. 83499 FOR THE ALEXAN ARCADIA MIXED USE DEVELOPMENT  
**CEQA: Exempt**  
**Recommendation: Adopt**

## **SUMMARY**

On June 21, 2022, the City Council approved Tentative Parcel Map No. 83499, as part of the approval of the Alexan Arcadia Mixed Use Development at 150 N. Santa Anita Avenue and surrounding properties. The Parcel Map is necessary to consolidate five lots and a vacated alley into two lots that will separate the existing office tower at 150 North Santa Anita Avenue from the proposed mixed-use component. As part of the conditions of approval for the project, the developer is required to dedicate additional portions of right-of-way and easements for public use, along the property's street and alley frontages. The Parcel Map is now ready for approval and the dedications and easements are offered on the Map.

In consideration of the developer's offer of dedications and easements, it is recommended that the City Council adopt Resolution No. 7533 with a Categorical Exemption under the California Environmental Quality Act ("CEQA"); accepting the dedications for street and sidewalk purposes, and easements for sidewalks and public utilities as set forth in Parcel Map No. 83499.

## **BACKGROUND**

The City Council approved The Alexan Arcadia Mixed Use Development in June 2022, which included the approval of Minor Use Permit No. MUP 21-08, Architectural Design Review No. ADR 21-12, Tentative Parcel Map No. TPM 21-02, and General Plan

Consistency No. 22-01. The development is located at 150 N. Santa Anita Avenue and surrounding properties, and is bound by Santa Anita Avenue on the west, Santa Clara Street on the north, the north/south alley adjacent to the Arcadia Post Office on the east, and Wheeler Avenue on the south. The development proposes a seven-story mixed-use building containing 319 residential units, including 26 affordable units and eight live-work units, and a parking structure with 551 parking spaces to be shared by all uses on site. The existing eight-story office building will remain on site as well as the one-story Bank of America building and drive-through ATM use, and a plaza will be constructed to connect these existing uses to the new building.

The Parcel Map is necessary to consolidate the existing lots and create two new lots to separate the existing buildings along Santa Anita Avenue from the new development. As a condition of approval on the Parcel Map, the developer is required to dedicate several portions of right-of-way for street and sidewalk purposes, and easements for sidewalk and public utilities, along the property frontages. The Final Parcel Map was reviewed and approved by the Los Angeles County Department of Public Works and is now ready for approval and acceptance of the dedications and easements.

## **DISCUSSION**

The Applicant/Property Owner has submitted the Final Parcel Map with the right-of-way dedications and easements, meeting all Conditions of Approval for the Tentative Map. The offers of dedication are as follows:

- Santa Anita Avenue – A three-foot dedication for street and sidewalk purposes, and a two-foot non-exclusive easement for public utility purposes;
- Santa Clara Street – Adjacent to the Bank of America building – A four-foot additional dedication for street and sidewalk purposes;
- Santa Clara Street – Adjacent to new building – A one-foot additional dedication for street and sidewalk purposes, and a five-foot easement for sidewalk purposes;
- North/South Alley – A variable width public access/walkway easement adjacent to the alley, minimum width of five-feet with wider segments at the driveway entrance to the parking structure and at the corner with Wheeler Avenue; and
- Wheeler Avenue – A two-foot easement for sidewalk purposes at the new development driveway.

Since the dedications and easements are offered on the Map, the City Council must either accept or reject the offer before the Map can be approved. Accepting the dedications and easements is recommended and will place them in the public domain. The dedications will be exclusively for public use and the easements will allow for specific public uses while allowing the property owner use of the land for non-interfering uses.

### **ENVIRONMENTAL ANALYSIS**

The proposed right-of-way dedications and easements are categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15301(c) because this action consists of a legal transfer of ownership, or right of use, which will result in negligible or no expansion of use beyond the project that was analyzed.

### **FISCAL IMPACT**

There will be no measurable fiscal impact incurred by the City as a result of these dedications and easements. The land has some minor value and will require ministerial maintenance to ensure it is useable by the public and not hazardous.

### **RECOMMENDATION**

It is recommended that the City Council adopt Resolution No. 7533 with a Categorical Exemption under the California Environmental Quality Act ("CEQA"); accepting dedications for street and sidewalk purposes, and easements for sidewalks and public utilities from the property at 150 North Santa Anita Avenue and surrounding properties as part of Parcel Map No. 83499 for the Alexan Arcadia Mixed Use Development.

Approved:

  
\_\_\_\_\_  
Dominic Lazzaretto  
City Manager

Attachment No. 1: Resolution No. 7533  
Attachment No. 2: Final Parcel Map No. 83499  
Attachment No. 3: Letter from County of L.A.

**Attachment No. 1**

**RESOLUTION NO. 7533**

**RESOLUTION NO. 7533 ACCEPTING DEDICATIONS FOR STREET AND SIDEWALK PURPOSES, AND EASEMENTS FOR SIDEWALKS AND PUBLIC UTILITIES FROM THE PROPERTY AT 150 NORTH SANTA ANITA AVENUE AND SURROUNDING PROPERTIES AS PART OF PARCEL MAP NO. 83499 FOR THE ALEXAN ARCADIA MIXED USE DEVELOPMENT**

WHEREAS, On June 21, 2022, the City Council approved the Alexan Arcadia Development consisting of Minor Use Permit No. MUP 21-08, Architectural Design Review No. ADR 21-12, Tentative Parcel Map No. TPM 21-02, and General Plan Consistency No. 22-01, located at 150 North Santa Anita Avenue and surrounding properties; and

WHEREAS, Tentative Parcel Map 83499, TPM 21-02, is necessary to consolidate the existing lots and create two new lots to separate the existing buildings along Santa Anita Avenue from the new mixed-use development; and

WHEREAS, As a condition of approval on the Parcel Map, the developer is required to dedicate several portions of right-of-way along the property frontages for streets and sidewalk purposes and easements for sidewalk and public utilities, and

WHEREAS, the dedications and easements are categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15301(c) because this action consists of a legal transfer of ownership, which will result in negligible or no expansion of use beyond the project that was analyzed; and

WHEREAS, Final Parcel Map 83499 is now ready for approval and acceptance of the dedications and easements;

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

SECTION 1. That Final Parcel Map No. 83499 offers to the City the following dedications and easements:

- a. Santa Anita Avenue – A three-foot dedication for street and sidewalk purposes, and a two-foot non-exclusive easement for public utility purposes
- b. Santa Clara Street – adjacent to the Bank of America building – A four-foot additional dedication for street and sidewalk purposes.
- c. Santa Clara Street – adjacent to new building – A one-foot additional dedication for street and sidewalk purposes, and a five-foot easement for sidewalk purposes.
- d. North/South Alley – a variable width public access/walkway easement adjacent to the alley, minimum width of five-feet with wider segments at the driveway entrance to the parking structure and at the corner with Wheeler Avenue
- e. Wheeler Avenue – A two-foot easement for sidewalk purposes at the new development driveway

SECTION 2. The City Council of the City of Arcadia determines that the right-of-way dedications and easements are categorically exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15301(c) because this action consists of a legal transfer of ownership, which will result in negligible or no expansion of use beyond the project that was analyzed.

SECTION 3. For the foregoing reasons, the City Council accepts the dedications and easements as indicated on Parcel Map No. 83499 for public use.

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

[SIGNATURES ON THE NEXT PAGE]


Passed, approved and adopted this 19th day of December, 2023.

\_\_\_\_\_  
Mayor of the City of Arcadia

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael J. Maurer  
City Attorney



2 LOTS  
127,669 SQ. FT.  
2.93 ACRES

# PARCEL MAP NO. 83499

SHEET 1 OF 4 SHEETS

IN THE CITY OF ARCADIA  
COUNTY OF LOS ANGELES  
STATE OF CALIFORNIA

BEING A SUBDIVISION OF PARCEL 2 OF PARCEL MAP 2415, AS PER MAP RECORDED IN BOOK 34, PAGE 64, OF PARCEL MAPS, AND LOTS 7, 8, 28, 27 AND A PORTION OF THE 20 FOOT WIDE ALLEY, BLOCK 76, OF SANTA ANITA TRACT, AS PER MAP RECORDED IN BOOK 15, PAGES 89 AND 90, OF MISCELLANEOUS RECORDS, ALL IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

### OWNER'S STATEMENT:

WE HEREBY STATE THAT WE ARE THE OWNERS OF OR ARE INTERESTED IN THE LAND INCLUDED WITHIN THE SUBDIVISION SHOWN ON THIS MAP WITHIN THE DISTINCTIVE BORDER LINES, AND WE CONSENT TO THE PREPARATION AND FILING OF SAID MAP AND SUBDIVISION AND WE HEREBY GRANT AND DEDICATE EASEMENTS TO THE CITY OF ARCADIA FOR PURPOSES OF STREETS, HIGHWAYS AND OTHER PUBLIC RIGHT-OF-WAYS AND ALSO FOR SIDEWALK PURPOSES OVER THE STRIPS OF LAND SO DESIGNATED ON SAID MAP AND ALSO FOR PUBLIC UTILITY PURPOSES OVER THE STRIPS OF LAND SO DESIGNATED ON SAID MAP.

PI PROPERTIES NO. 111, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, OWNER

BY: Rao R. Yalamanchili BY: \_\_\_\_\_  
NAME: Rao R. YALAMANCHILI NAME: \_\_\_\_\_  
TITLE: Manager TITLE: \_\_\_\_\_

PI PROPERTIES NO. 97, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, OWNER

BY: Rao R. Yalamanchili BY: \_\_\_\_\_  
NAME: Rao R. YALAMANCHILI NAME: \_\_\_\_\_  
TITLE: Manager TITLE: \_\_\_\_\_

SVPP PROPERTIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, OWNER

BY: San You BY: \_\_\_\_\_  
NAME: San You Yalamanchili NAME: \_\_\_\_\_  
TITLE: Manager TITLE: \_\_\_\_\_

WESTERN ALLIANCE BANK, AN ARIZONA CORPORATION, BENEFICIARY UNDER A DEED OF TRUST DATED JANUARY 12, 2018 AS INST. NO. 20180039983, OFFICIAL RECORDS, COUNTY OF LOS ANGELES.

BY: Naoko Oakland BY: Brian Park  
NAME: Naoko Oakland NAME: Brian Park  
TITLE: SV Vice President TITLE: Vice President

CITIZENS BUSINESS BANK, BENEFICIARY UNDER A DEED OF TRUST DATED FEBRUARY 3, 2020 AS INST. NO. 20200130024, OFFICIAL RECORDS, COUNTY OF LOS ANGELES.

BY: \_\_\_\_\_ BY: \_\_\_\_\_  
NAME: \_\_\_\_\_ NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_ TITLE: \_\_\_\_\_

WESTERN ALLIANCE BANK, AN ARIZONA CORPORATION, BENEFICIARY UNDER A DEED OF TRUST RECORDED FEBRUARY 8, 2020 AS INST. NO. 20200157425, OFFICIAL RECORDS, COUNTY OF LOS ANGELES.

BY: \_\_\_\_\_ BY: \_\_\_\_\_  
NAME: \_\_\_\_\_ NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_ TITLE: \_\_\_\_\_

### NOTARY ACKNOWLEDGEMENTS:

SEE SHEET 2 OF 4

### ABANDONMENT NOTE:

I HEREBY CERTIFY THAT PURSUANT TO SECTION 66434(g) OF THE SUBDIVISION MAP ACT, THE FILING OF THIS MAP CONSTITUTES THE ABANDONMENT AND MERGER OF THE SANITARY SEWER EASEMENT OF CITY OF ARCADIA RECORDED OCTOBER 6, 1971 AS INST. NO. 204 IN BOOK D-5214, PAGE 876 OF DEEDS, OFFICIAL RECORDS.

CITY CLERK \_\_\_\_\_ DATE \_\_\_\_\_

### PLANNING COMMISSION CERTIFICATE

THIS IS TO CERTIFY THAT THE TENTATIVE MAP OF TRACT NO. 83499 WAS APPROVED AT A MEETING ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ I HEREBY CERTIFY THAT THIS MAP SUBSTANTIALLY COMPLIES WITH THE PREVIOUSLY APPROVED MAP.

SECRETARY OF THE PLANNING COMMISSION \_\_\_\_\_ DATE \_\_\_\_\_  
CITY OF ARCADIA

### FINANCE DIRECTOR CERTIFICATE

I HEREBY CERTIFY THAT THE FEE REQUIRED BY SECTION 9118.4 OF THE MUNICIPAL CODE HAS BEEN PAID TO THE CITY OF ARCADIA.

FINANCE DIRECTOR - CITY OF ARCADIA \_\_\_\_\_ DATE \_\_\_\_\_

I HEREBY CERTIFY THAT ALL CERTIFICATES HAVE BEEN FILED AND DEPOSITS HAVE BEEN MADE THAT ARE REQUIRED UNDER THE PROVISIONS OF SECTIONS 66492 AND 66493 OF THE SUBDIVISION MAP ACT.

EXECUTIVE OFFICER, BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

BY \_\_\_\_\_ DEPUTY \_\_\_\_\_ DATE \_\_\_\_\_

### SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF PI PROPERTIES NO. 111, LLC, PI PROPERTIES NO. 97, LLC AND SVPP PROPERTIES LLC, ON SEPTEMBER 30, 2022. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP; THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE LOCATIONS SHOWN HEREON WILL BE IN PLACE AND THAT SAID MONUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED; AND THAT REQUIRED TIE NOTES TO CENTERLINE MONUMENTS SHOWN AS "TO BE SET" WILL BE FILED AS CORNER RECORDS IN THE OFFICE OF THE CITY ENGINEER WITHIN 90 DAYS AFTER RECORDATION OF THIS MAP.

Daniel L. Rahe 9-12-2023  
DANIEL L. RAHE, PLS 9425 DATED



### BASIS OF BEARINGS:

THE BEARING NORTH 00°52'26" WEST, SHOWN AS HAVING A BEARING OF NORTH 00°00'00"W, OF THE CENTERLINE OF SANTA ANITA AVENUE, AS SHOWN ON PARCEL MAP NO. 2415, RECORDED IN BOOK 34, PAGE 64, OF PARCEL MAPS, RECORDS OF LOS ANGELES COUNTY, WAS TAKEN AS THE BASIS OF BEARINGS SHOWN ON THIS MAP.

### CITY ENGINEER'S CERTIFICATE:

I HEREBY CERTIFY THAT I HAVE EXAMINED THE MAP; THAT IT CONFORMS SUBSTANTIALLY TO THE TENTATIVE MAP AND ALL APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF SUBDIVISION ORDINANCES OF THE CITY OF ARCADIA APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT WITH RESPECT TO CITY RECORDS.

(NAME) \_\_\_\_\_ DATE \_\_\_\_\_  
CITY ENGINEER, CITY OF ARCADIA  
R.C.E. NO. \_\_\_\_\_

### COUNTY SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP; THAT IT COMPLIES WITH ALL PROVISIONS OF STATE LAW APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP; AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT IN ALL RESPECTS NOT CERTIFIED BY THE CITY ENGINEER.

COUNTY SURVEYOR  
BY: Diego Rivea DEPUTY \_\_\_\_\_ DATE \_\_\_\_\_  
P.L.S. NO. 9742

### CITY CLERK'S CERTIFICATE:

I HEREBY CERTIFY THAT THE CITY COUNCIL OF THE CITY OF ARCADIA, BY RESOLUTION NO. \_\_\_\_\_ CCS AT A MEETING HELD ON \_\_\_\_\_ APPROVED THE ATTACHED SUBDIVISION MAP, SUBJECT TO THE CONDITION THAT ALL LAWS LEGALLY APPLICABLE TO FINAL SUBDIVISION MAPS ARE TO BE COMPLIED WITH, AND ACCEPTED THE DEDICATION TO THE PUBLIC USE ALL STREETS, HIGHWAYS, AND OTHER PUBLIC WAYS, THE DEDICATION OF PUBLIC SIDEWALK, THE DEDICATION OF PEDESTRIAN ACCESS AND THE DEDICATION OF PUBLIC UTILITIES.

(NAME) \_\_\_\_\_ DATE \_\_\_\_\_  
CITY CLERK

### CITY TREASURER'S CERTIFICATE:

I HEREBY CERTIFY THAT ALL SPECIAL ASSESSMENTS LEVIED UNDER THE JURISDICTION OF THE CITY OF ARCADIA, TO WHICH THE LAND INCLUDED IN THE WITHIN SUBDIVISION OR ANY PART THEREOF IS SUBJECT, AND WHICH MAY BE PAID IN FULL, HAVE BEEN PAID IN FULL.

(NAME) \_\_\_\_\_ DATE \_\_\_\_\_  
CITY TREASURER

I HEREBY CERTIFY THAT SECURITY IN THE AMOUNT OF \$ \_\_\_\_\_ HAS BEEN FILED WITH THE EXECUTIVE OFFICER, BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES AS SECURITY FOR THE PAYMENT OF TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES ON THE LAND SHOWN ON THE MAP OF TRACT NO. 83499 AS REQUIRED BY LAW.

EXECUTIVE OFFICER, BOARD OF SUPERVISOR OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

BY \_\_\_\_\_ DEPUTY \_\_\_\_\_  
DATE \_\_\_\_\_

IN THE CITY OF ARCADIA
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

NOTARY ACKNOWLEDGEMENTS (OWNER):

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA

COUNTY OF Los Angeles

ON 09-07-2023 BEFORE ME, Alexis Ostensen, NOTARY PUBLIC,

PERSONALLY APPEARED Rao R. Yalamanchili AND WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT, THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE Alexis Ostensen
NAME OF NOTARY Alexis Ostensen
COUNTY IN WHICH COMMISSIONED Los Angeles
DATE COMMISSION EXPIRES 05-29-2026
COMMISSION NUMBER 2402775

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA

COUNTY OF Los Angeles

ON 09-07-2023 BEFORE ME, Alexis Ostensen, NOTARY PUBLIC,

PERSONALLY APPEARED Sriniwas Yalamanchili AND WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT, THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE Alexis Ostensen
NAME OF NOTARY Alexis Ostensen
COUNTY IN WHICH COMMISSIONED Los Angeles
DATE COMMISSION EXPIRES 05-29-2026
COMMISSION NUMBER 2402775

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA

COUNTY OF Los Angeles

ON 09-11-2023 BEFORE ME, Honey L. Tijam, NOTARY PUBLIC,

PERSONALLY APPEARED Noriko Oakland AND Brian Park WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT, THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE Honey L. Tijam
NAME OF NOTARY Honey L. Tijam
COUNTY IN WHICH COMMISSIONED Los Angeles
DATE COMMISSION EXPIRES 02-01-2026
COMMISSION NUMBER 2392482

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA

COUNTY OF

ON BEFORE ME, NOTARY PUBLIC,

PERSONALLY APPEARED AND WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT, THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE
NAME OF NOTARY
COUNTY IN WHICH COMMISSIONED
DATE COMMISSION EXPIRES
COMMISSION NUMBER

SIGNATURE OMISSIONS:

THE SIGNATURE OF THE CITY OF ARCADIA, A MUNICIPAL CORPORATION, HOLDER OF AN EASEMENT FOR TRANSPORTING VEHICLES, MACHINERY AND EQUIPMENT TO A SEWER MANHOLES LOCATED IN SAID ALLEY AND TO USE SAID VEHICLES, MACHINERY AND EQUIPMENT FOR CLEANING THE SEWER CONNECTED TO SAID MANHOLE, AS PER DOCUMENT RECORDED OCTOBER 6, 1971 AS INSTRUMENT NO. 204, IN BOOK D-5214 PAGE 876, OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY, HAVE BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a)(3)(A)(i-viii) OF THE SUBDIVISION MAP ACT; AS THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURE(S) ARE NOT REQUIRED BY THE LOCAL AGENCY.

THE SIGNATURE(S) OF SOUTHERN CALIFORNIA EDISON COMPANY, A CORPORATION, HOLDER OF AN EASEMENT FOR UNDERGROUND ELECTRICAL SUPPLY SYSTEMS AND COMMUNICATION SYSTEMS, AS PER DOCUMENT RECORDED OCTOBER 6, 1971 AS INSTRUMENT NO. 2544, BOOK D-5215, PAGE 695, OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY, HAVE BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a)(3)(A)(i-viii) OF THE SUBDIVISION MAP ACT; AS THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURE(S) ARE NOT REQUIRED BY THE LOCAL AGENCY.

THE SIGNATURE(S) OF RETTAN CORPORATION, A CALIFORNIA CORPORATION, HOLDER OF AN EASEMENT FOR MAINTENANCE OF PARKING, AS PER DOCUMENT RECORDED DECEMBER 30, 1971 AS INSTRUMENT NO. 135, BOOK D-5303, PAGE 800, OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY, HAVE BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a)(3)(A)(i-viii) OF THE SUBDIVISION MAP ACT; ITS INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURE(S) ARE NOT REQUIRED BY THE LOCAL AGENCY.

THE SIGNATURE(S) OF RETTAN CORPORATION, A CALIFORNIA CORPORATION, HOLDER OF AN EASEMENT FOR MAINTENANCE OF PARKING, AS PER DOCUMENT RECORDED DECEMBER 5, 1972 AS INSTRUMENT NO. 149, OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY, HAVE BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a)(3)(A)(i-viii) OF THE SUBDIVISION MAP ACT; ITS INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURE(S) ARE NOT REQUIRED BY THE LOCAL AGENCY.

THE SIGNATURE(S) OF DIVERSIFIED DEALS, LLC, HOLDER OF AN EASEMENT FOR MAINTENANCE OF PARKING AREA, AS PER DOCUMENT RECORDED NOVEMBER 24, 2004 AS INSTRUMENT NO. 04-3052910, OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY, HAVE BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a)(3)(A)(i-viii) OF THE SUBDIVISION MAP ACT; ITS INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURE(S) ARE NOT REQUIRED BY THE LOCAL AGENCY.

THE SIGNATURE(S) OF AN UNDISCLOSED PARTY, HOLDER OF AN EASEMENT FOR POLE LINES, AFFECTING THE NORTHERLY 2.00 FEET OF PARCEL D, AS DISCLOSED BY AN INSPECTION, HAVE BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a)(3)(A)(i-viii) OF THE SUBDIVISION MAP ACT; ITS INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURE(S) ARE NOT REQUIRED BY THE LOCAL AGENCY.

THE SIGNATURE OF THE CITY OF ARCADIA A MUNICIPAL CORPORATION, HOLDER OF AN EASEMENT FOR PUBLIC UTILITY PURPOSES AS RESERVED IN DEED RECORDED SEPTEMBER 8 2022 AS INST. NO. 202208874, OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY, HAVE BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a)(3)(A)(i-viii) OF THE SUBDIVISION MAP ACT; AS THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURE(S) ARE NOT REQUIRED BY THE LOCAL AGENCY.

SCALE 1" = 40'

# PARCEL MAP NO. 83499

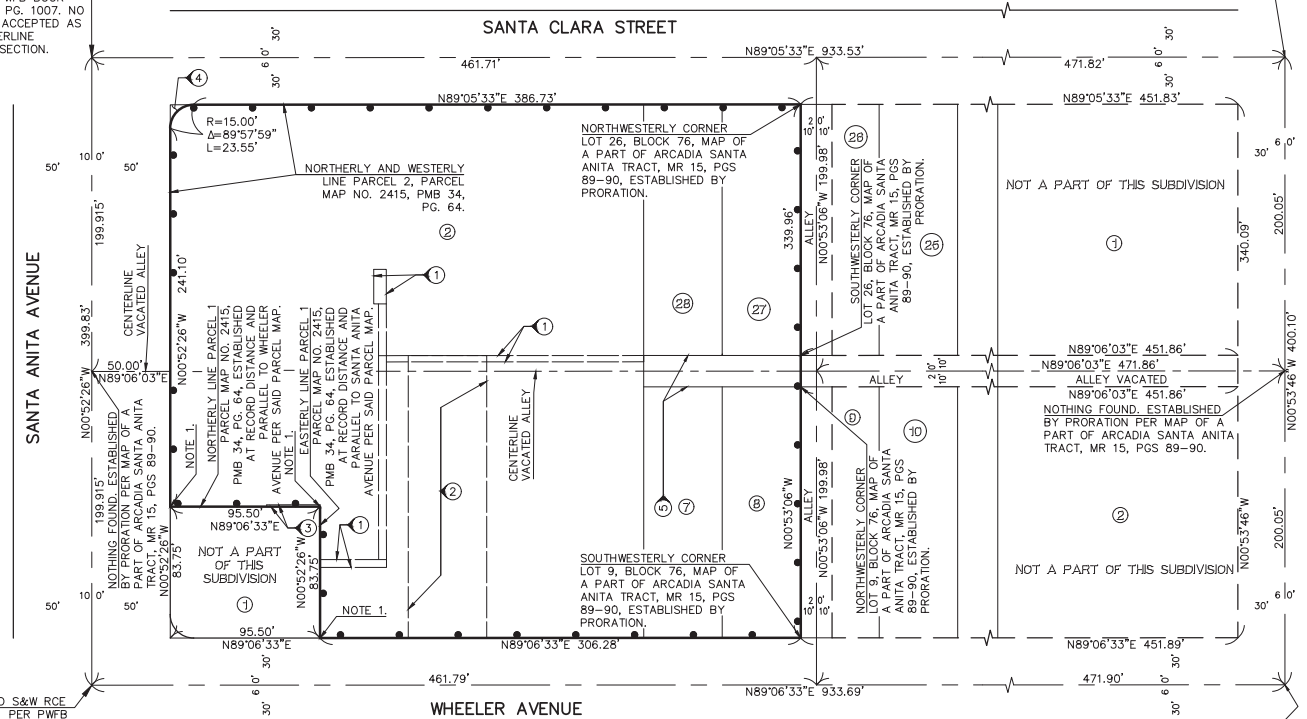
SHEET 3 OF 4 SHEETS

NOTE 1: SEE SHEET 4 FOR MONUMENTATION.

IN THE CITY OF ARCADIA  
COUNTY OF LOS ANGELES  
STATE OF CALIFORNIA

FOUND S&W LACO  
PER PWF 1627,  
PAGE 825. NO TIES.  
ACCEPTED AS CENTERLINE  
INTERSECTION.

FOUND S&W LS 5411  
PER PWF BOOK  
1627, PG. 1007. NO  
TIES. ACCEPTED AS  
CENTERLINE  
INTERSECTION.



FOUND S&W RCE  
23971 PER PWF  
1627, PG. 1010  
NO TIES. ACCEPTED  
AS CENTERLINE  
INTERSECTION.

**LEGEND**

INDICATES THE BOUNDARY OF THE LAND BEING SUBDIVIDED BY THIS MAP

EASEMENT ①  
4', 5' AND 8' WIDE EASEMENT TO SOUTHERN CALIFORNIA EDISON COMPANY, FOR ELECTRICAL AND COMMUNICATION SYSTEMS AND INCIDENTAL PURPOSES INST. NO. 2544, BOOK D-5215, PAGE 699, O.R.

EASEMENT ②  
EASEMENT TO THE CITY OF ARCADIA FOR SANITARY SEWER APPURTENANCES RECORDED OCTOBER 6, 1971 INST. NO. 204, BK D-5214, PAGE 876, O.R.

EASEMENT ③  
EASEMENT TO RETTAN CORP. FOR MAINTENANCE AND INCIDENTAL PURPOSES RECORDED AS INST. NO. 149, O.R.

EASEMENT ④  
EASEMENT TO THE CITY OF ARCADIA FOR STREET PURPOSES RECORDED AS INST. NO. 2021 IN BOOK D-5260, PAGE 214.

EASEMENT ⑤  
EASEMENT TO THE CITY OF ARCADIA FOR PUBLIC UTILITY PURPOSES RECORDED SEPTEMBER 9, 2022 AS INST. NO. 20220886740.

NOTHING FOUND. ESTABLISHED BY TANGENT TIES (4) PER PWF 1627, PAGE 824. ACCEPTED AS CENTERLINE INTERSECTION.

SCALE 1" = 40'

# PARCEL MAP NO. 83499

SHEET 4 OF 4 SHEETS

IN THE CITY OF ARCADIA  
COUNTY OF LOS ANGELES  
STATE OF CALIFORNIA

FOUND S&W LACO  
PER PWF 1627,  
PAGE 825, NO TIES.  
ACCEPTED AS CENTERLINE  
INTERSECTION.

FOUND S&W LS 5411  
PER PWF BOOK  
1627, PG. 1007, NO  
TIES. ACCEPTED AS  
CENTERLINE  
INTERSECTION.

SANTA ANITA AVENUE

SANTA CLARA STREET

1ST AVENUE

WHEELER AVENUE

NOT A PART OF THIS SUBDIVISION

NOT A PART OF THIS SUBDIVISION

1  
34,339 SQ. FT.

2  
93,330 SQ. FT.

FOUND S&W RCE  
23971 PER PWF 1627,  
PG. 1010  
NO TIES. ACCEPTED AS  
CENTERLINE  
INTERSECTION.

### LEGEND

INDICATES THE BOUNDARY OF THE LAND BEING  
SUBDIVIDED BY THIS MAP

NOTHING FOUND,  
ESTABLISHED BY TANGENT  
TIES (4) PER PWF 1627,  
PAGE 824, ACCEPTED AS  
CENTERLINE INTERSECTION.



MARK PESTRELLA, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

September 7, 2023

IN REPLY PLEASE  
REFER TO FILE:

**LD-2**

Mr. Kevin Merrill  
City Engineer  
City of Arcadia  
P.O. Box 60021  
Arcadia, CA 91006-6021

Dear Mr. Merrill:

### **PARCEL MAP 83499**

Parcel Map 83499 has been reviewed and approved by Public Works for mathematical accuracy, survey analysis, title information, and for compliance with the Subdivision Map Act. It is ready for your examination and certification as to compliance with the conditions of approval and applicable City ordinances.

The City Council or Advisory Agency should make the findings required by the California Environmental Quality Act and the Subdivision Map Act.

After your approval and the approval of the City Council or Advisory Agency, the final map should be returned to Los Angeles County Public Works, Land Development Division, for filing with the Registrar-Recorder/County Clerk's office.

If you have any questions, please contact Mr. Max Rodriguez of Public Works, Land Development Division, at (626) 458-4915 or [mrodrigue@pw.lacounty.gov](mailto:mrodrigue@pw.lacounty.gov).

Very truly yours,

MARK PESTRELLA, PE  
Director of Public Works

ARTHUR VANDER VIS, PE  
Assistant Deputy Director  
Land Development Division

MR:tb



# STAFF REPORT

Development Services Department

**DATE:** December 19, 2023

**TO:** Honorable Mayor and City Council

**FROM:** Jason Kruckeberg, Assistant City Manager/Development Services Director  
Ken Fields, Building Official

**SUBJECT:** RESOLUTION NO. 7535 EXTENDING THE CITY'S DEADLINE TO ESTABLISH AN ONLINE PERMITTING SYSTEM FOR POST-ENTITLEMENT PHASE PERMITS UNDER CALIFORNIA GOVERNMENT CODE SECTION 65913.3.5 (AB 2234).  
**CEQA: Not a Project**  
**Recommendation: Adopt**

## **SUMMARY**

California Assembly Bill 2234 ("AB 2234") took effect on January 1, 2023. AB 2234 added Sections 65913.3 and 65913.3.5 to the Government Code and, most notably, extends elements similar to those of the Permit Streamlining Act to a local agency's review of ministerial "post-entitlement phase permit" applications for housing development projects. One element of the new law is to require the implementation of an online permitting system for certain projects. Resolution No. 7535 extends the City's deadline to establish this system, which is allowed under AB 2234. It is recommended that the City Council adopt Resolution No. 7535 to give the City the greatest opportunity to appropriately implement the new online permitting regulations.

## **BACKGROUND**

Under AB 2234, post-entitlement phase permits are defined as all nondiscretionary permits and reviews filed after the entitlement process has been completed that are required or issued by the local agency to begin construction of a development that will be at least two-thirds residential. Examples of post-entitlement phase permits include: building permits, permits of minor or standard off-site improvements, permits for demolition, permits for minor or standard excavation and grading, and related permits. These permits are typically issued by City staff in the normal course of their work.

AB 2234 imposes numerous requirements on a local agency's review and processing of a post-entitlement phase permit application, including: (1) posting application checklists and examples online; (2) time limits to determine whether an application is complete; (3) time limits to approve or deny an application; (4) providing an applicant with the right to appeal the local agency's decision; and (5) implementing an online permitting system.

## **DISCUSSION**

AB 2234 requires local agencies that are located in counties with a population of 250,000 or greater to implement an online permitting system that allows applicants to apply for, check the status, complete, and retrieve post-entitlement phase permits. Local agencies in counties with a population of less than 250,000 are exempt from this online permitting system requirement. For affected jurisdictions, the deadline to comply with AB 2234's online permitting system requirement is January 1, 2024, if the local agency has a population of 75,000 or greater or is located in a county with a population of 1.1 million or greater; or January 1, 2028, for all local agencies that do not meet these thresholds. The City of Arcadia is subject to the January 1, 2024, deadline because the population of Los Angeles County exceeds the threshold.

AB 2234 authorizes any local agency subject to the January 1, 2024, deadline to give itself an extension of up to two years (i.e., to January 1, 2026) if its legislative body does both of the following before January 1, 2024: (1) makes a written finding that adopting an online permitting system by January 1, 2024, would require substantial increases in permitting fees; and (2) has initiated a procurement process for the purpose of complying with the online permitting system requirement.

Implementing an online permitting system by the January 1, 2024, deadline would present several financial and logistical burdens for the City that, in turn, would require a substantial increase in permitting fees. The City is currently in the process of procuring all of the necessary software and hardware to expand its permitting software to comply with AB 2234. The time extension is being requested because implementation is not feasible by January 1, 2024, without adding significantly more project costs, which will far exceed what has already been budgeted for this permit software expansion. The additional, unbudgeted cost for the consultant to expedite the implementation would require an update to the fee schedule, greatly increasing fees to permittees.

The attached resolution makes the requisite findings and, if adopted by the City Council, will extend the City's deadline to comply with AB 2234's online permitting system requirement to January 1, 2026. As required by AB 2234, the resolution also includes a directive to initiate the procurement process necessary to comply with this requirement. This process will be conducted in accordance with State law and the City's applicable procurement policies. For the reasons provided above, it is recommended that the City Council adopt the attached resolution.

## **ENVIRONMENTAL ANALYSIS**

In accordance with the California Environmental Quality Act ("CEQA") Guidelines, adopting the resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3 because it has no potential for resulting in a physical change to the environment, directly or indirectly.

Resolution No. 7535 - Online permitting system  
for post-entitlement phase permits.

December 19, 2023

Page 3 of 3

### **FISCAL IMPACT**

The adoption of Resolution No. 7535 will have no fiscal impact on the City except to avoid additional expenses. The cost to expand the City's permitting software to comply with AB 2234 is \$82,330, and this expense has already been budgeted in the Development Services Department Fiscal Year 2023-24 Operating Budget.

### **RECOMMENDATION**

It is recommended that the City Council find the proposed action does not constitute a project under the California Environmental Quality Act ("CEQA"); and adopt Resolution No. 7535 extending the City's deadline to establish an online permitting system for post-entitlement phase permits under California Government Code Section 65913.3.5 (AB 2234).

Approved:

  
\_\_\_\_\_  
Dominic Lazzaretto  
City Manager

Attachment: Resolution No. 7535



RESOLUTION NO. 7535

A RESOLUTION OF THE CITY COUNCIL OF THE CITY ARCADIA, CALIFORNIA, EXTENDING THE DEADLINE TO ESTABLISH AN ONLINE PERMITTING SYSTEM FOR POST-ENTITLEMENT PHASE PERMITS UNDER CALIFORNIA GOVERNMENT CODE SECTION 65913.3.5 (AB 2234)

WHEREAS, California Assembly Bill 2234 ("AB 2234") added sections 65913.3 and 65913.3.5 to the Government Code and took effect on January 1, 2023; and

WHEREAS, AB 2234 extends elements similar to those of the Permit Streamlining Act to a local agency's review of ministerial "post-entitlement phase permit" applications for housing development projects; and

WHEREAS, under AB 2234, a "post-entitlement phase permit" includes all nondiscretionary permits and reviews that are required or issued by the local agency after the entitlement process has been completed to begin construction of a development that is intended to be at least two-thirds residential. Examples include, among other things, building permits, demolition permits, and permits for minor or standard excavation and grading; and

WHEREAS, in addition to above, AB 2234 requires local agencies that are located in counties with a population of 250,000 or greater to implement an online permitting system that allows applicants to apply for, check the status of, complete and retrieve post-entitlement phase permits (local agencies in counties with a population of less than 250,000 are exempt from this online permitting system requirement); and

WHEREAS, for local agencies in counties with a population of 250,000 or greater, the deadline to comply with AB 2234's online permitting system requirement is: (1) January 1, 2024 if the local agency has a population of 75,000 or greater or is located in

a county with a population of 1.1 million or greater; or (2) January 1, 2028 for all local agencies not covered by (1); and

WHEREAS, the City of Arcadia (“City”) is subject to the January 1, 2024 deadline because it would present several financial and logistical burdens for the City that, in turn, would require a substantial increase in permitting fees; and

WHEREAS, any local agency subject to the January 1, 2024 deadline may give itself an extension of up to two years (i.e., to January 1, 2026) if its legislative body does both of the following before January 1, 2024: (1) makes a written finding that adopting an online permitting system by January 1, 2024, would require substantial increases in permitting fees; and (2) has initiated a procurement process for the purpose of complying with the online permitting system requirement; and

WHEREAS, the City desires to extend its deadline to comply with AB 2234’s online permitting system requirement to January 1, 2026; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

SECTION 1. Recitals. The City Council hereby finds and determines that the recitals above are true and correct and are each incorporated by reference and adopted as findings by the City Council.

SECTION 2. CEQA. The City Council hereby finds that the adoption of this resolution is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations,

Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 3. AB 2234 Findings; Direction to Staff. In accordance with Government Code section 65913.3.5(a)(2)(A)-(B):

1. Substantial Increase in Permitting Fees. The City Council hereby finds that implementing an online permitting system by January 1, 2024, would require substantial increases in the City's permitting fees because expediting the procurement and implementation of the required software and hardware to comply with AB 2234 would lead to additional unbudgeted consultant costs to the City, which in turn would necessitate increases in the costs of fees to the permittees.

2. Initiation of Procurement Process. The City Council hereby directs staff to initiate the procurement process necessary to comply with AB 2234's online permitting system requirements. Such process shall be in accordance with state law and the City's applicable procurement policies.

SECTION 4. Extension. The City Council hereby elects to extend its deadline to implement an online permitting system to January 1, 2026.

SECTION 5. Home Rule. The City reserves all rights to home rule of its municipal affairs in accordance with the City Charter and Article XI, Section 5(a) of the California Constitution.

SECTION 6. Effective Date. This resolution shall become effective immediately upon its adoption.

SECTION 7. Certification. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.


Passed, approved and adopted this 19th day of December, 2023.

\_\_\_\_\_  
Mayor of the City of Arcadia

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael J. Maurer  
City Attorney



# STAFF REPORT

Office of the City Manager

**DATE:** December 19, 2023

**TO:** Honorable Mayor and City Council

**FROM:** Dominic Lazzaretto, City Manager  
By: Anely Williams, Human Resources Administrator

**SUBJECT:** REORGANIZATION OF ADMINISTRATIVE SERVICES DEPARTMENT, REVISION TO ADMINISTRATIVE SERVICES DIRECTOR SALARY, AND ESTABLISHMENT OF NEW HUMAN RESOURCES DIRECTOR CLASSIFICATION AND SALARY; AND RESOLUTION NO. 7541 ESTABLISHING COMPENSATION AND RELATED BENEFITS FOR CITY COUNCIL, EXECUTIVE MANAGEMENT, MANAGEMENT AND UNREPRESENTED CONFIDENTIAL EMPLOYEES FOR JULY 1, 2021, THROUGH JUNE 30, 2024 (HUMAN RESOURCES DIRECTOR; ADMINISTRATIVE SERVICES DIRECTOR)

**CEQA: Not a Project**  
**Recommendation: Approve and Adopt**

## SUMMARY

After 15 years of dedicated service to the City of Arcadia, the Administrative Services Director has announced his retirement, effective December 28, 2023. This change prompted a review of the organizational and management structure within the Administrative Services Department (“ASD”). As a result of this review, it is proposed that the City reorganize the Administrative Services Department to increase efficiency and oversight of two core internal services and to acknowledge the increase in complexity of managing these key service areas.

The proposed changes include separating the Human Resources Division from ASD and commencing its own operations under a previously established Human Resources Department; vacating the Human Resources Administrator and Financial Services Manager classifications; revising the Administrative Services Director salary range and classification specification; and establishing a Human Resources Director classification and salary. These changes would result in overall savings of \$135,458.00 in the adopted Fiscal Year 2023-24 Budget.

It is recommended that the City Council adopt Resolution No. 7541 establishing compensation and related benefits for City Council, Executive Management,

Management and Unrepresented Confidential Employees for July 1, 2021, through June 30, 2024 (Human Resources Director; Administrative Services Director).

## **BACKGROUND**

Arcadia's City Charter Section 700 authorizes the establishment of Departments by the City Council. The City of Arcadia already has an existing Human Resources Department in the Arcadia Municipal Code, as established by Ordinance Number 1991 on October 5, 1993. Although the City Charter requirement has been met, the Human Resources Department has not been operating as its own Department. Instead, Human Resources has been operating as a Division of the Administrative Services Department ("ASD").

ASD is comprised of four operating divisions: Finance, Human Resources, Information Technology, and Purchasing. The Finance and Human Resources Divisions are the two largest Divisions with 10 and six (6) full-time positions, respectively. The Information Technology and Purchasing Divisions are single-incumbent Divisions. The Human Resources Division provides internal support to all City Departments and has responsibility over recruitment and selection, employee benefits administration, training and development, safety, liability and risk management, and Workers' Compensation.

By separating Human Resources from ASD and activating the previously established Human Resources Department to operate on its own, the Human Resources Administrator role would be vacated and replaced by the proposed Human Resources Director classification. Additionally, the Financial Services Manager classification would also be vacated, and functions would instead be absorbed by the existing Administrative Services Director classification.

## **DISCUSSION**

Over the years, the Human Resources field has grown to become increasingly complex with ever-changing laws and shifting employment markets, placing greater demands on resources that include staff, time, and subject-matter expertise. Further, an organizational structure that combines the distinct functions of Human Resources and Financial Services into one Department poses a challenge in recruiting a Department Director that would have working knowledge and expertise in both specialized fields. As a result, having a specialized Human Resources Department would result in greater transparency, accountability, and overall efficiency.

The higher demand for output and increased performance from Human Resources functions can be seen in the rapid change in the employment market. In 2020, there were 30 Citywide job openings, as compared to 2023 with 58 Citywide job openings, nearly doubling. During that same period, the City's claims management function was placed under Human Resources – this was previously handled in the City Attorney/City Clerk area.

At the same time, Human Resources continues to experience growing complexity with changes in employment law. In 2022 alone, several new pieces of employment legislation were signed, including COVID-19 Supplemental Paid Sick Leave, expansion to the California Family Rights Act, expansion to the Fair Employment and Housing Act (“FEHA”) regarding bereavement leave, additional protections under FEHA regarding off-duty cannabis use, changes to the Minimum Wage, and others.

With a growing need for subject-matter expertise, operational efficiencies and increased accountability can be realized when oversight and management of Human Resources functions are housed within a single specialized Department. As discussed previously, a Human Resources Department has already been established by Ordinance. Thus, as part of the proposed reorganization of ASD, separating the Human Resources function would only require the establishment of a Human Resources Director classification and salary.

Additionally, because a major function of ASD would be removed, a salary reduction to the Administrative Services Director salary range would be appropriate. To ensure internal equity with other existing Executive-level classifications, the Human Resources Director salary is proposed to be in alignment with the Director of Library and Museum Services and Director of Recreation and Community Services. Similarly, the proposed Administrative Services Director salary would be reduced to align with the Public Works Services Director salary range. To ensure that these salary ranges would be in line with the overall marketplace given the respective duties, a classification and compensation analysis was performed. The proposed ranges would be positioned slightly below the median for comparable cities, which is similar to other Executive Management positions.

The proposed changes to the salary schedule are reflected in Attachment “A”. The differences in the current and proposed organizational charts can be seen in Attachment “B”. Lastly, the proposed Human Resources Director classification specification and proposed revisions to the Administrative Services Director classification are included as Attachment “C” and Attachment “D”, respectively.

### **ENVIRONMENTAL ANALYSIS**

The proposed action does not constitute a project under the California Environmental Quality Act (“CEQA”), based on Section 15061(b)(3) of the CEQA Guidelines, as it can be seen with certainty that it will have no impact on the environment. Thus, this matter is exempt under CEQA.

### **FISCAL IMPACT**

Although a new classification of Human Resources Director is proposed, the total impact of all proposed changes would represent cost savings to the City of \$135,458, when considering salary and benefits in Fiscal Year 2023-24. Salary savings are

Reorganization of Administrative Services Department

December 19, 2023

Page 4 of 4

realized through the current Administrative Services Director’s retirement and subsequent reduction to the salary range due to the separation of all Human Resources functions. The table below summarizes the impacts of the proposed changes with the ‘Current’ column showing salary and benefit costs per position for the remaining six-months of FY 2023-24; and the ‘Proposed’ column showing the salary and benefit costs under the proposed reorganization, for the remaining six-months of FY 2023-24:

<b>Job Title</b>	<b>Current</b>	<b>Proposed</b>	<b>Savings / (Cost)</b>
Administrative Services Director	\$ 156,064	\$ 118,117	\$ 37,946
Financial Services Manager	\$ 112,319	\$ -	\$ 112,319
Human Resources Administrator	\$ 97,913	\$ -	\$ 97,913
Human Resources Director	\$ -	\$ 112,720	(\$ 112,720)
<b>TOTAL SAVINGS:</b>			<b>\$ 135,458</b>

While significant savings are shown presently, it is possible that an additional employee may be proposed during the budget adoption process for Fiscal Year 2024-25 once more is known about the workloads in each resulting department. If proposed, it is likely that any such employee would cost less than the savings shown here.

**RECOMMENDATION**

It is recommended that the City Council determine that this action is exempt under the California Environmental Quality Act (“CEQA”); and approve the reorganization of Administrative Services Department, revision to Administrative Services Director salary, and establishment of new Human Resources Director classification and salary; and adopt Resolution No. 7541 amending Resolution No. 7383 establishing compensation and related benefits for City Council, Executive Management, Management and Unrepresented Confidential Employees for July 1, 2021, through June 30, 2024 (Human Resources Director; Administrative Services Director).

Attachment “A”: Resolution 7541 (with proposed salary schedule)

Attachment “B”: Current and proposed organizational charts

Attachment “C”: Proposed classification specification for Human Resources Director

Attachment “D”: Proposed revisions to classification specification for Administrative Services Director



**Attachment "A"**

RESOLUTION NO. 7541

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, AMENDING RESOLUTION NO. 7383 ESTABLISHING COMPENSATION AND RELATED BENEFITS FOR CITY COUNCIL, EXECUTIVE MANAGEMENT, MANAGEMENT AND UNREPRESENTED CONFIDENTIAL EMPLOYEES FOR JULY 1, 2021, THROUGH JUNE 30, 2024 (HUMAN RESOURCES DIRECTOR; ADMINISTRATIVE SERVICES DIRECTOR)

WHEREAS, City Council Resolution No. 7383 approved various fringe benefits and related compensation for officials, officers, and management of the City; and

WHEREAS, Section 38 of Resolution No. 7383 provides for amendment and modification by City Council approved resolutions that direct inclusion of any changes as part of said Resolution; and

WHEREAS, salaries and benefits for City Council, Executive Management, Management and Unrepresented Confidential Employees are adjusted by resolution, which adjustments are then reflected in the City's salary schedule.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. Effective upon the beginning of the pay period following adoption of this Resolution (December 31, 2023), the Executive Management, Management, and Unrepresented Confidential Employee Monthly Salary Schedule is amended by revising the salary to the position of Administrative Services Director and adding the position of Human Resources Director as set forth in Exhibit "A" attached hereto.

SECTION 2. The City Council hereby approves the changes to Resolution No. 7383 as set forth in the City of Arcadia Fringe Benefits Resolution as attached hereto, effective as of July 1, 2021, through June 30, 2024.

SECTION 3. This Resolution shall become effective upon its adoption.

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


Passed, approved, and adopted this 19th day of December, 2023.

\_\_\_\_\_  
Mayor of the City of Arcadia

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael J. Maurer  
City Attorney

**EXHIBIT "A"**  
**CITY OF ARCADIA MONTHLY SALARY RANGE**  
**JULY 1, 2023 - JUNE 30, 2024**  
**EXECUTIVE MANAGEMENT/ASSISTANT CITY MANAGER - 4.0% COLA**

Title	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
Director of Library & Museum Services <sup>1</sup>	\$ 13,300	\$ 13,641	\$ 13,990	\$ 14,349	\$ 14,716	\$ 15,094	\$ 15,480	\$ 15,878	\$ 16,284	\$ 16,702
Director of Recreation & Community Services <sup>1</sup>	\$ 13,300	\$ 13,641	\$ 13,990	\$ 14,349	\$ 14,716	\$ 15,094	\$ 15,480	\$ 15,878	\$ 16,284	\$ 16,702
Human Resources Director <sup>2</sup>	\$ 13,300	\$ 13,641	\$ 13,990	\$ 14,349	\$ 14,716	\$ 15,094	\$ 15,480	\$ 15,878	\$ 16,284	\$ 16,702
Public Works Services Director	\$ 13,969	\$ 14,317	\$ 14,678	\$ 15,044	\$ 15,421	\$ 15,805	\$ 16,199	\$ 16,604	\$ 17,023	\$ 17,446
Administrative Services Director <sup>2</sup>	\$ 13,969	\$ 14,317	\$ 14,678	\$ 15,044	\$ 15,421	\$ 15,805	\$ 16,199	\$ 16,604	\$ 17,023	\$ 17,446
Assistant City Manager/ Development Services Director <sup>1</sup>	\$ 15,541	\$ 15,939	\$ 16,349	\$ 16,768	\$ 17,197	\$ 17,638	\$ 18,091	\$ 18,555	\$ 19,030	\$ 19,518

**SAFETY EXECUTIVE MANAGEMENT - 5.0% COLA**

Fire Chief	\$ 15,799	\$ 16,196	\$ 16,602	\$ 17,016	\$ 17,442	\$ 17,878	\$ 18,325	\$ 18,783	\$ 19,256	\$ 19,735
Police Chief	\$ 16,196	\$ 16,602	\$ 17,016	\$ 17,442	\$ 17,878	\$ 18,325	\$ 18,783	\$ 19,256	\$ 19,735	\$ 20,230

*\*\*Assistant City Manager - An Executive Management position that is also appointed as the Assistant City Manager will receive additional differential pay of \$1,000 per month*

<sup>1</sup> Revised Salary Range Effective April 24, 2022

<sup>2</sup> Human Resources Director added, and Administrative Services Director revised Effective December 31, 2023

RESOLUTION NO. 7383

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, ESTABLISHING COMPENSATION AND RELATED BENEFITS FOR CITY COUNCIL, EXECUTIVE MANAGEMENT, MANAGEMENT, AND UNREPRESENTED CONFIDENTIAL EMPLOYEES FOR JULY 1, 2021, THROUGH JUNE 30, 2024

WHEREAS, City Council Resolution 7210 sets forth various fringe benefits and related compensation for officials, officers, and management of the City; and

WHEREAS, Section 38 of Resolution No. 7210 provides for amendment and modification by City Council approved resolutions that direct inclusion of any changes as part of said Resolution; and

WHEREAS, salaries and benefits for City Council, Executive Management, Management, and Unrepresented Confidential Employees that are adjusted by resolution are then reflected on the City's salary schedule.

NOW THEREFORE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby approves the changes to Resolution No. 7210 as set forth in The City of Arcadia Fringe Benefits Resolution as attached hereto, effective as of July 1, 2021, through June 30, 2024.

SECTION 2. The City Clerk shall certify to the adoption of this Resolution.

[SIGNATURES ON NEXT PAGE]

Passed, approved and adopted this 5th day of October 2021.

/s/ Sho Tay  
Mayor of the City of Arcadia

ATTEST:

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

APPROVED AS TO FORM:

Stephen P. Deitsch  
Stephen P. Deitsch  
City Attorney

*Stephen P. Deitsch*

*Stephen P. Deitsch*

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

I, GENE GLASCO, City Clerk of the City of Arcadia, hereby certifies that the foregoing Resolution No. 7383 was passed and adopted by the City Council of the City of Arcadia, signed by the Mayor and attested to by the City Clerk at a regular meeting of said Council held on the 5th day of October, 2021 and that said Resolution was adopted by the following vote, to wit:

AYES:       Chandler, Verlato, Cheng, and Tay

NOES:       None

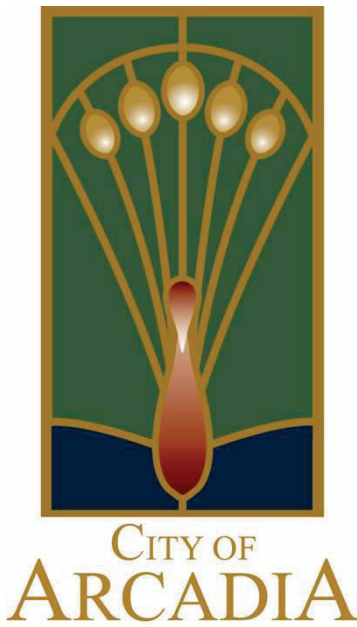
ABSENT:     Beck

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

# **CITY OF ARCADIA**

## **FRINGE BENEFITS RESOLUTION**

**CITY COUNCIL, EXECUTIVE MANAGEMENT,  
MANAGEMENT, AND UNREPRESENTED EMPLOYEES  
OF THE CITY OF ARCADIA**



**JULY 1, 2021 – JUNE 30, 2024**

## Contents

<b>SECTION 1.</b>	<b>PURPOSE</b> .....	4
<b>SECTION 2.</b>	<b>DEFINITIONS</b> .....	4
<b>SECTION 3.</b>	<b>COMPENSATION</b> .....	6
<b>SECTION 4.</b>	<b>SALARY STEP ADVANCEMENT</b> .....	6
<b>SECTION 5.</b>	<b>PROMOTIONAL STEP ADVANCEMENT</b> .....	7
<b>SECTION 6.</b>	<b>OVERTIME</b> .....	7
<b>SECTION 7.</b>	<b>RETIREMENT</b> .....	8
	A. EMPLOYEES HIRED BEFORE JULY 1, 2011 .....	8
	B. EMPLOYEES HIRED ON OR AFTER OCTOBER 9, 2011, OTHER THAN NEW CalPERS MEMBERS HIRED AFTER JANUARY 1, 2013.....	10
	C. NEW CalPERS MEMBERS HIRED ON OR AFTER JANUARY 1, 2013 .....	12
<b>SECTION 8.</b>	<b>SPECIAL ASSIGNMENT PAY</b> .....	13
<b>SECTION 9.</b>	<b>LONGEVITY PAY</b> .....	13
<b>SECTION 10.</b>	<b>ACTING PAY</b> .....	14
<b>SECTION 11.</b>	<b>TUITION ADVANCEMENT/REIMBURSEMENT</b> .....	14
<b>SECTION 12.</b>	<b>UNIFORMS</b> .....	15
<b>SECTION 13.</b>	<b>AUTO ALLOWANCE</b> .....	16
<b>SECTION 14.</b>	<b>MILEAGE REIMBURSEMENT</b> .....	16
<b>SECTION 15.</b>	<b>BENEFIT ALLOWANCE FOR HEALTH, DENTAL, AND VISION</b> .....	16
	A. EMPLOYEES HIRED BEFORE JULY 1, 2021 .....	16
	B. EMPLOYEES HIRED ON OR AFTER JULY 2, 2021 .....	18
<b>SECTION 16.</b>	<b>LIFE INSURANCE</b> .....	19
<b>SECTION 17.</b>	<b>LONG TERM DISABILITY INSURANCE</b> .....	20
<b>SECTION 18.</b>	<b>RETIREE HEALTH INSURANCE</b> .....	20
	A. EMPLOYEES HIRED BEFORE JULY 1, 2011 .....	20
	B. EMPLOYEES HIRED ON OR AFTER JULY 1, 2011 .....	22
<b>SECTION 19.</b>	<b>PHYSICAL EXAMINATIONS – MANAGEMENT</b> .....	22
<b>SECTION 20.</b>	<b>LEAVES OF ABSENCE</b> .....	22
	A. MISCELLANEOUS LEAVES OF ABSENCE.....	22
	B. Family Care and Medical Leaves.....	23
<b>SECTION 21.</b>	<b>VACATION ACCRUAL RATE</b> .....	24



A.	MISCELLANEOUS EXECUTIVE MANAGEMENT .....	24
C.	SAFETY EXECUTIVE AND POLICE MANAGEMENT AND DEPUTY FIRE CHIEF .....	24
D.	MISCELLANEOUS MANAGEMENT & UNREPRESENTED CONF. EMPLOYEES .....	25
D.	BATTALION CHIEFS.....	25
<b>SECTION 22.</b>	<b>VACATION LEAVE.....</b>	<b>25</b>
<b>SECTION 23.</b>	<b>SICK LEAVE FOR EXECUTIVE, MANAGEMENT, AND CONFIDENTIAL EMPLOYEES.....</b>	<b>27</b>
<b>SECTION 24.</b>	<b>BEREAVEMENT LEAVE .....</b>	<b>29</b>
<b>SECTION 25.</b>	<b>MANAGEMENT LEAVE.....</b>	<b>29</b>
<b>SECTION 26.</b>	<b>WORKERS' COMPENSATION.....</b>	<b>29</b>
<b>SECTION 27.</b>	<b>JURY LEAVE .....</b>	<b>30</b>
<b>SECTION 28.</b>	<b>COURT WITNESS LEAVE .....</b>	<b>30</b>
<b>SECTION 29.</b>	<b>MILITARY LEAVE .....</b>	<b>30</b>
<b>SECTION 30.</b>	<b>LEAVE DONATIONS – INJURY/ILLNESS/DISABILITY.....</b>	<b>30</b>
<b>SECTION 31.</b>	<b>LEAVE DEDUCTIONS .....</b>	<b>31</b>
<b>SECTION 32.</b>	<b>HOLIDAYS.....</b>	<b>31</b>
<b>SECTION 33.</b>	<b>SEVERANCE PAY.....</b>	<b>33</b>
<b>SECTION 34.</b>	<b>WORKDAY SCHEDULES .....</b>	<b>34</b>
<b>SECTION 35.</b>	<b>Y-RATING – MANAGEMENT EMPLOYEES .....</b>	<b>34</b>
<b>SECTION 36.</b>	<b>SICK LEAVE FOR PART TIME UNREPRESENTED EMPLOYEES, INCLUDING LAW ENFORCEMENT RECRUITS .....</b>	<b>34</b>
<b>SECTION 37.</b>	<b>FRINGE BENEFITS – ELIGIBILITY .....</b>	<b>36</b>
<b>SECTION 38.</b>	<b>AMENDMENTS .....</b>	<b>36</b>
<b>SECTION 39.</b>	<b>CERTIFICATION – ADOPTION OF RESOLUTION.....</b>	<b>37</b>

## **SECTION 1.           PURPOSE**

The Fringe Benefits Resolution is a consolidation of previously adopted resolutions concerning City Council, Executive Management, Management, and Unrepresented Employees. Resolution No. 7383 sets forth the wages, hours, and other terms and conditions of employment for employees within these classifications and provides paid sick leave for Part-Time Unrepresented Employees pursuant to AB1522.

## **SECTION 2.           DEFINITIONS**

As used herein and in the general salary resolution, the following terms shall have the following meanings:

“Classification” shall mean a group of positions having sufficiently similar duties, responsibilities, and qualifications to be designated by the same descriptive title, and as to which the same salary range may be made to apply with equity.

“Employee” shall mean a full-time budgeted employee of the City of Arcadia.

“Employment Date” shall mean the period of continuous full-time employment from and after such employment date shall be used in computing longevity pay, sick leave, and vacation and shall be the starting point for determining salary step increases.

“Executive Management Employee” shall mean an unrepresented management Employee who is the head of a City Department. Employees who are in the Classification of Development Services Director, Public Works Services Director, Administrative Services Director, Recreation and Community Services Director, Library and Museum Services Director, Assistant City Manager, and similar Classifications as they may be added or amended over time shall be considered Executive Management Employees in the Miscellaneous category. Employees who are in the Classification of Police Chief, Fire Chief, and similar Classifications as they may be added or amended over time shall be considered Executive Management Employees in the Safety category. Also known as “Department Director”.

“Management Employees” shall mean those full-time Employees having responsibility for formulating, administering, or managing the implementation of City policies who are unrepresented and who are not Executive Management Employees. Typical Employees in the Classification of Management Aide, Recreation Supervisor, Human Resources Analyst, Crime Analyst, Police Records Manager, Senior Human Resources Analyst, Senior Management Analyst, Transportation Services Manager, Assistant Director of Recreation and Community Services, Planning Services Manager, Accounting Supervisor, Accountant, Senior Accountant, Environmental Services Manager, General Services Superintendent, Library Services Manager, Utilities Superintendent,

Principal Civil Engineer, Building Official, Fire Marshal, Economic Development Manager, Financial Services Manager/Treasurer, Human Resources Administrator, Deputy City Manager, Planning and Community Development Administrator, Deputy Director of Development Services/City Engineer, and similar Classifications as they may be added or amended over time shall be considered Management Employees in the Miscellaneous category. Typical Employees in the Classification of Police Lieutenant, Fire Battalion Chief, Deputy Fire Chief, Police Captain, and similar Classifications as they may be added or amended over time shall be considered Management Employees in the Safety category.

“Miscellaneous Employees” shall mean those employees who are not involved in law enforcement, fire suppression, the protection of public safety, or employed in a position designated by law as local safety.

“Part-Time Unrepresented Employees” shall mean a part-time employee who is at-will and not deemed an Executive Management, Management, Unrepresented Confidential, or Unrepresented Employee. Typical Employees in the Classification of Library Aide I/II, Activity Leader I/II, Laborer, Police Cadet, Administrative Intern, Camp Manager, Fire Prevention Aide, Recreation Specialist, Volunteer Services Coordinator, Reserve Police Officer I/II and similar classifications as they may be added or amended over time shall be considered part-time unrepresented. This excludes the position of Law Enforcement Recruit.

“Recognized Employee Organization” means an Employee organization which has been formally acknowledged by the City as the Employee organization that represents Employees in designated classifications in an appropriate representation unit.

“Safety Employees” shall mean those employees who are involved in law enforcement, fire suppression, the protection of public safety, or who are employed in a position designated by law as local safety.

“Salary Advancement” shall mean an increase in salary from current step to a higher step within the same salary range based upon performance and continuous service in the same class.

“Unrepresented Confidential Employee” shall mean any benefitted Employee (receiving CalPERS and a benefit allowance) that is not an Executive or Management Employee, is not represented by a recognized Employee organization, and typically handles confidential matters as a course of their job duties. Classifications in this group include Executive Assistant assigned to the City Manager’s Office, Human Resources Technician, and similar Classifications as they may be added or amended over time (referred to as Confidential herein).

“Unrepresented Employee” shall mean any Employee that is not an Executive or Management Employee and is not represented by a recognized Employee organization. This includes the position of Law Enforcement Recruit.

**SECTION 3.           COMPENSATION**

The salary schedules for classifications covered by this resolution are set forth in “Exhibit A” and incorporated herein. The base salaries of Executive Management, Management, and Unrepresented Confidential Employees covered by this resolution will be increased by 3% effective July 1, 2021, 3% effective July 1, 2022, and 4% effective July 1, 2023. Retro increases will be given only to those employees on City payroll as of the date of adoption of this resolution.

The base salaries of Police and Fire Safety Executive Management and Police and Fire Safety Management employees covered by this resolution will be increased by 3% effective July 1, 2021, 4% effective July 1, 2022, and 5% effective July 1, 2023. Retroactive increases will be given only to those employees on City payroll as of the date of adoption of this resolution.

Dependent upon the distribution method as determined by the City Manager, employees covered by this resolution may receive a one-time Non-PERSable bonus paid through City payroll upon the adoption of this resolution. The collective amount to be distributed to those employees is \$153,832.

Additionally, Executive Management and Safety Executive Management employees covered by this resolution and on City payroll as of the date of adoption of this resolution shall receive a one-time Non-PERSable bonus of \$2,300. Safety Management, Management, and Unrepresented employees covered by this resolution and on City payroll as of the date of adoption of this resolution shall receive a one-time non-PERSable bonus of \$2,100.

**SECTION 4.           SALARY STEP ADVANCEMENT**

The advancement through the salary steps shall be based upon performance and continuous service in the same classification. The percentage between steps is approximately 2.5%. Employees will advance in their rates of compensation two steps (approximately 5.0%) on their anniversary dates. The following schedule is an example of merit increases when an employee begins employment at step A:

A Step to C Step:   6 months

All other Steps:    12 months

For Department Directors reporting directly to the City Manager, the advancement through the salary steps shall be based on performance without regard to the continuous service time requirements cited above. The rate of advancement shall be from 0% to

7.5%, or no movement to a maximum of three steps. Pursuant to the City Charter Section 809, evaluation of the Library and Museum Services Director shall be by the Library Board; however, the City Manager shall provide input into the process.

Salary step advancements may be withheld or delayed by the appointing authority if an Employee's performance does not merit such advancement.

With the approval of the City Manager, an Employee may be hired at any step within the salary range applicable to the position.

The City Manager shall have the authority to advance an Employee's salary step within that Employee's salary range when the purpose is to correct an existing inequity or give recognition to exceptional performance.

Upon adoption of this Resolution and until June 30, 2024, unless extended by the City Council, the City Manager shall have discretionary authority to allow an annual performance bonus up to 3% of an employee's annual salary to full-time employees covered by this resolution who receive a Meritorious or Superior evaluation. Receiving a Meritorious or Superior evaluation is not a guarantee of receiving a bonus, only a minimum standard for qualification. It shall be the City Manager's sole authority to determine whether to allow a bonus and at what amount. The performance bonus shall be subject to the availability of funds as determined by the City.

#### **SECTION 5. PROMOTIONAL STEP ADVANCEMENT**

When an Employee is promoted, their pay shall advance to the lowest salary step in the new classification range such that it will provide a 5% increase in compensation, or two steps. If the lowest salary in the new classification is the top step, the Employee's pay will be advanced to the top step, even if it provides less than a 5%, or two-step, increase.

When an Employee is promoted to a higher classification, the date of the promotion shall be used in determining the date of the future step increases.

#### **SECTION 6. OVERTIME**

When necessary to perform essential work, a Department Director may require Management and Unrepresented Employees to work at any time other than during regular working hours until such work is accomplished. Management and Executive Management Employees are generally considered positions that are exempt from standard overtime rules. Job specifications for each Classification shall clearly state whether the position is considered exempt. Employees that are not exempt from standard overtime rules and are required to work hours which cause the Employee to be in a work status in excess of 40 hours in a designated workweek shall be paid at the rate of time and one-half the Employee's regular rate of pay. The Department Director may permit an Employee to accumulate compensatory time in lieu of paid overtime; however, the Employee shall not be permitted to accumulate more than 100 hours of compensatory time at any time.

Fire Battalion Chiefs working in excess of a 56-hour workweek shall receive overtime at straight time for operational assignments as defined by the Fire Chief and are eligible for Management Leave. A Fire Battalion Chief assigned to a strike team and working in excess of a 56-hour workweek will receive overtime at 1.5 times the hourly rate. No other Management Employees are eligible to receive any form of overtime compensation for additional hours worked, except as stated in Section 8.

## **SECTION 7.            RETIREMENT**

### **A.    EMPLOYEES HIRED BEFORE JULY 1, 2011**

The City contracts with the State of California Public Employees Retirement System (CalPERS) for the classifications contained in this Resolution. The plan shall include the following options:

1. Miscellaneous Employees - 2.5% @ 55 retirement formula (Government Code §21354.4); Public Safety Employees - 3% @ 50 retirement formula (Government Code §21362.2).
2. Single highest year final compensation (Government Code §20042).
3. Post Retirement Survivor Continuance.
4. Credit for Unused Sick Leave (Government Code §20965).
5. 1959 Survivors Benefit for which each Employee contributes \$0.93 per pay period.
6. Third level 1959 Survivors Benefit allowance (Government Code §21573).
7. Military service credit as public service option (Government Code §21024). The Employee is responsible for paying for this benefit.
8. As permitted by CalPERS, Employees may elect to purchase service credit by remitting payment to CalPERS via payroll deductions. If the Employee elects this option, the City will allow Employees to elect those payments as pre-tax payroll deductions for service purchases.
9. Special compensation items shall be reported to CalPERS in accordance with applicable law.
10. Employees shall make contributions to offset a portion of the City's costs related to CalPERS retirement benefits. The Employee cost-sharing will be accomplished through pre-tax deductions in the manner contemplated by Government Code §20516(f). It is recognized that the IRS has yet to take a position on the pre-tax status of deductions made under §20516(f) and in the

event that, subsequent to the effective date of this provision, the IRS determines that such deductions do not qualify for pre-tax status, Employees will be notified, and the provisions set forth herein will be reviewed by the City Manager and City Council. The cost sharing arrangement will be implemented as follows:

- a. Miscellaneous Employees: Employees will pay 7% of PERSable compensation to CalPERS retirement via payroll deduction toward the City's Employer Contribution to CalPERS and said amount will be allocated to the employer's account.
- b. Public Safety Employees: Employees will continue to pay 9% of PERSable compensation for CalPERS retirement via payroll deduction toward the City's Employer Contribution to CalPERS and said amount will be allocated to the employer's account. Employees will also contribute an additional 3% cost for CalPERS retirement through a phase-in approach as follows:
  - i. Effective beginning the pay period following Council adoption of this resolution, each Classic Member employee shall contribute an additional cost share amount equal to 1% of compensation earnable towards the employer PERS contribution for a total of 10%.
  - ii. Effective July 1, 2022, each Classic Member employee shall contribute an additional cost share amount of 1% of compensation earnable towards the employer PERS contribution, for a total of 11%.
  - iii. Effective July 1, 2023, each Classic Member employee shall contribute an additional cost share amount of 1% of compensation earnable towards the employer PERS contribution, for a total of 12%.

11. In addition to the foregoing cost sharing payments, Miscellaneous Employees shall continue to pay 1% of the member contribution to CalPERS.

12. The City shall continue to pay the cost of the Employees' member contribution (EPMC) to CalPERS in the amount of 7% for Miscellaneous Employees and 9% for Public Safety Employees and shall continue to report that as additional compensation pursuant to §20636(c)(4) of the Government Code. Further, said amount will be allocated to the Employee's retirement account.

13. Pre-Retirement Option 2W Death Benefit (Government Code §21548): Pursuant to §20516(f) (Employee Sharing Cost of Additional Benefits), Employees will split the cost of this benefit with the City through pre-tax

deductions in the manner contemplated by §20516(f) of the Government Code. It is recognized that the IRS has yet to take a position on the pre-tax status of deductions made under §20516(f) and in the event that, subsequent to the effective date of this provision, the IRS determines that such deductions do not qualify for pre-tax status, Employees will be notified, and this provision shall be reviewed by the City Manager and City Council. Employees shall pay for one-half of the cost of this optional benefit, which was determined to be a total of 0.276% for Miscellaneous and 0.220% for Public Safety Employees. The cost-sharing arrangement will be implemented as follows:

- a. Miscellaneous Employees: Employees will pay 0.138% of PERSable compensation to CalPERS retirement via payroll deduction; and the City will pay 0.138% of PERSable compensation to CalPERS retirement.
- b. Public Safety Employees: Employees will pay 0.110% of PERSable compensation to CalPERS retirement via payroll deduction; and the City will pay 0.110% of PERSable compensation to CalPERS retirement.

B. EMPLOYEES HIRED ON OR AFTER OCTOBER 9, 2011, OTHER THAN NEW CalPERS MEMBERS HIRED AFTER JANUARY 1, 2013

The City contracts with the State of California Public Employees Retirement System (CalPERS) for the classifications contained in this Resolution. The plan shall include the following options:

1. Miscellaneous Employees - 2.0% @ 60 retirement formula (Government Code §21363.1); Public Safety Employees - 3% @ 55 retirement formula (Government Code §21363.1).
2. 3-year average final compensation period (Government Code §20037).
3. Post Retirement Survivor Continuance.
4. Credit for Unused Sick Leave (Government Code §20965).
5. 1959 Survivors Benefit for which each Employee contributes \$0.93 per pay period.
6. Third level 1959 Survivors Benefit allowance (Government Code §21573).
7. Military service credit as public service option (Government Code §21024). The Employee is responsible for paying for this benefit.
8. As permitted by CalPERS, Employees may elect to purchase service credit by remitting payment to CalPERS via payroll deductions. If the Employee elects



this option, the City will allow Employees to elect those payments as pre-tax payroll deductions for service purchases.

9. Special compensation items shall be reported to CalPERS in accordance with applicable law.
10. Miscellaneous Employees will pay the full 7% member contribution to CalPERS via payroll deduction.
11. Public Safety Employees will continue to pay 9% of PERSable compensation for CalPERS retirement via payroll deduction toward the City's Employer Contribution to CalPERS and said amount will be allocated to the employer's account. Employees will also contribute an additional 3% cost for CalPERS retirement through a phase-in approach as follows:
  - a. Effective beginning the pay period following Council adoption of this resolution, each Classic Member employee shall contribute an additional cost share amount equal to 1% of compensation earnable towards the employer PERS contribution for a total of 10%.
  - b. Effective July 1, 2022, each Classic Member employee shall contribute an additional cost share amount of 1% of compensation earnable towards the employer PERS contribution, for a total of 11%.
  - c. Effective July 1, 2023, each Classic Member employee shall contribute an additional cost share amount of 1% of compensation earnable towards the employer PERS contribution, for a total of 12%.
12. The Pre-Retirement Option 2W Death Benefit (Government Code §21548). Pursuant to §20516(f) (Employee Sharing Cost of Additional Benefits), Employees shall split the cost of this benefit with the City through pre-tax deductions in the manner contemplated by §20516(f) of the Government Code. It is recognized that the IRS has yet to take a position on the pre-tax status of deductions made under §20516(f) and in the event that, subsequent to the effective date of this provision, the IRS determines that such deductions do not qualify for pre-tax status, the Employees will be notified, and this provision shall be reviewed by the City Manager and City Council. Employees shall pay for one-half of the cost of this optional benefit which was determined to be a total of 0.276% for Miscellaneous and 0.220% for Public Safety. The cost-sharing arrangement will be implemented as follows:
  - a. Miscellaneous Employees: Employees will pay 0.138% of PERSable compensation to CalPERS retirement via payroll deduction; and the City will pay 0.138% of PERSable compensation to CalPERS retirement.

- b. Public Safety Employees: Employees will pay 0.110% of PERSable compensation to CalPERS retirement via payroll deduction; and the City will pay 0.110% of PERSable compensation to CalPERS retirement.

C. NEW CalPERS MEMBERS HIRED ON OR AFTER JANUARY 1, 2013

The City contracts with the State of California Public Employees Retirement System (CalPERS) for the classifications contained in this Resolution. The plan shall include the following options:

1. Miscellaneous Employees - 2.0% @ 62 retirement formula (Government Code §7522.20); Public Safety Employees – 2.7% at age 57 retirement formula (Government Code §7522.25(d)).
2. 3-year average final compensation period (Government Code §20037).
3. Post Retirement Survivor Continuance.
4. Credit for Unused Sick Leave (Government Code §20965).
5. 1959 Survivors Benefit for which each Employee contributes \$0.93 per pay period.
6. Third level 1959 Survivors Benefit allowance (Government Code §21573).
7. Military service credit as public service option (Government Code §21024). The Employee is responsible for paying for this benefit.
8. As permitted by CalPERS, Employees may elect to purchase service credit by remitting payment to CalPERS via payroll deductions. If the Employee elects this option, the City will allow Employees to elect those payments as pre-tax payroll deductions for service purchases.
9. Special compensation items shall be reported to CalPERS in accordance with applicable law.
10. Miscellaneous Employees will pay 50% of the normal cost, currently at 6.75%, for member contributions to CalPERS on a pre-tax basis via payroll deduction (Government Code §7522.30).
11. Public Safety Employees will pay 50% of the normal cost, currently at 12%, for member contributions to CalPERS on a pre-tax basis via payroll deduction (Government Code §7522.30).
12. The Pre-Retirement Option 2W Death Benefit (Government Code §21548). Pursuant to §20516(f) (Employee Sharing Cost of Additional Benefits),

Employees shall split the cost of this benefit with the City through pre-tax deductions in the manner contemplated by §20516(f) of the Government Code. It is recognized that the IRS has yet to take a position on the pre-tax status of deductions made under §20516(f) and in the event that, subsequent to the effective date of this provision, the IRS determines that such deductions do not qualify for pre-tax status, Employees will be notified and this provision shall be reviewed by the City Manager and City Council. Employees shall pay for one-half of the cost of this optional benefit which was determined to be a total of 0.276% for Miscellaneous and 0.220% for Public Safety. The cost-sharing arrangement will be implemented as follows:

- a. Miscellaneous Employees: Employees will pay 0.138% of PERSable compensation to CalPERS retirement via payroll deduction; and the City will pay 0.138% of PERSable compensation to CalPERS retirement.
- b. Public Safety Employees: Employees will pay 0.110% of PERSable compensation to CalPERS retirement via payroll deduction; and the City will pay 0.110% of PERSable compensation to CalPERS retirement.

D. City Council, Executive, and Management Employees shall have access to the City's established 457 Deferred Compensation Program and the IRC 401(a) defined contribution plan. All administration costs associated with the 401(a) plan shall be paid by the City.

**SECTION 8. SPECIAL ASSIGNMENT PAY**

Employees in the classifications of Police Captain and Police Lieutenant assigned to outside reimbursable special details (as approved by the City Manager), including but not limited to race-track traffic control duties, shall be compensated at 6 hours of straight time at the rate of a top step Police Sergeant with an Advanced Post Certificate and Special Assignment Pay (currently 5%).

**SECTION 9. LONGEVITY PAY**

A Longevity Pay benefit will be provided to Executive, Management, and Confidential Employees based on the following formula:

<u>Completed Years of Continuous Service</u>	<u>Amount Per Pay Period</u>
5 – 9 Years	\$42.02
10 – 14 Years	\$63.04
15 – 19 Years	\$84.06
20+ Years	\$230.77

The Longevity Pay benefit is effective the pay period an Employee reaches 5, 10, 15 or 20 years of continuous employment with the City.

**SECTION 10.        ACTING PAY**

A Management or Confidential Employee who is required, in writing, to work more than 5 working days in a higher classification, which is vacant due to sick leave, family medical leave, injury leave, vacation leave, termination, retirement, or for any other reason as approved by the City Manager, shall receive the following acting pay retroactive to the first day of the assignment:

1. 5% above their current rate of pay or A step of the higher classification, whichever is higher; or any step within the classification as approved by the City Manager; or
2. Should such percentage exceed the top step of the range for the higher classification, the Employee shall receive compensation at the top step of the higher classification.
3. Nothing contained herein shall apply to an Employee who is being trained by the City to qualify for a higher classification or who temporarily assumes some of the duties of a higher position.

If an acting assignment exceeds or is expected to exceed 30 calendar days, the acting Employee will receive the fringe benefits of said position for the duration of the assignment as applicable and as determined by the City Manager.

**SECTION 11.        TUITION ADVANCEMENT/REIMBURSEMENT**

Employees shall be eligible for tuition advancement or reimbursement who have completed at least one probationary period in the Classified Service, or one year of continuous service if employment is "at-will," subject to the conditions below.

To qualify for tuition advancement/reimbursement, a Tuition Advancement/Reimbursement Form must be submitted and pre-approved by the Employee's Department Director and Human Resources Administrator before the course(s) begin.

Tuition advancement or reimbursement shall only be for the first degree in each education level that an employee seeks to obtain, and shall only be for "job-related" courses, specialized training, or degree programs that are directly related to the Employee's position as determined by the City Manager or designee. The City Manager or their designee may grant approval for tuition advancement or reimbursement if they determine that a second degree in any education level is both beneficial and job-related.

The Tuition Advancement/Reimbursement Program will operate on a fiscal year basis (July 1 through June 30) and shall be subject to the availability of funds as determined by the City. The maximum advancement or reimbursement amount shall be \$4,126 for undergraduate courses and \$5,062 for graduate courses per fiscal year. Eligible fees include tuition, on campus parking fees, and textbooks. All other fees are subject to approval by the City Manager. School supplies are not reimbursable.

All course work must be completed while employed by the City of Arcadia with a passing grade of "C" or equivalent when numerical score or pass/fail grade is given. If the Employee either does not receive a "C" or better or for any reason does not finish the class, the advance is due and payable.

Any Employee who voluntarily retires or terminates employment or is terminated for disciplinary cause within one year from the completion of a class or classes shall refund all tuition paid under this provision for those specific classes unless they were required to attend by the appointing power. An Employee who separates employment and who received tuition advancement and did not complete a class or classes within 1 year from the advancement, shall refund all tuition advanced and be subject to the provisions outlined in the Advanced Tuition Participation and Advancement Agreement. Employees who retire on a Disability or Industrial Disability Retirement or are laid off shall not be required to refund tuition fees under this provision.

The City reserves the right to investigate any school and approve or disapprove it for advancement or reimbursement if such action appears warranted. Courses must be taken at an accredited education institution, which is defined as any college or university which has been accredited by a recognized government or professional accrediting body (as determined by the City). Additionally, the City reserves the right to deny any course(s), specialized training, or degree programs determined by the City Manager to be non-job related.

## **SECTION 12.        UNIFORMS**

At the beginning of the fiscal year, Employees in the classification of Police Chief, Police Captain, and Police Lieutenant shall receive \$750 for the purchase of safety equipment. \$647 shall be reported to CalPERS as special compensation for Uniform Allowance. This amount shall be prorated if hired or promoted after the start of the fiscal year.

At the beginning of the fiscal year, Employees in the classification of Fire Chief, Deputy Fire Chief, and Battalion Chief shall have a uniform allowance of \$655 reported annually to CalPERS as special compensation. This amount shall be prorated if hired or promoted after the start of the fiscal year.

For the duration of the Resolution, uniforms shall be provided to those Management Employees currently receiving uniforms under the same conditions specified in their respective Department Policies. The City shall continue to report an amount up to \$170.56 per year to CalPERS as special compensation for Uniform Allowance to the extent permitted by law.

"New Members" as defined under the Public Employee's Pension Reform Act of 2013 will not have the value of the uniforms reported as special compensation.

**SECTION 13. AUTO ALLOWANCE**

Subject to the City Manager’s sole discretion, Executive Management Employees may receive either a City provided vehicle or an auto allowance of up to \$350 per month, depending on duties and requirements of the position. Any benefits provided under this section are considered taxable per IRS Code. See IRS Publication 463, Travel, Entertainment, Gift, and Car Expenses for more information concerning taxation of this benefit.

**SECTION 14. MILEAGE REIMBURSEMENT**

Mileage is reimbursed for travel in connection with City business and shall be paid in accordance with the prevailing IRS rate. Prior approval must be obtained from the immediate supervisor or Department Director. If travel is required frequently during a month, reimbursement shall be made once per month. Completed mileage forms shall be submitted to the Department Director consistent with the applicable administrative policy. Except as expressly authorized by the City Manager, Employees receiving an Auto Allowance described in Section 13 will not qualify for mileage reimbursements described herein.

**SECTION 15. BENEFIT ALLOWANCE FOR HEALTH, DENTAL, AND VISION**

**A. EMPLOYEES HIRED BEFORE JULY 1, 2021**

The City provides City Council, Executive, Management and Confidential Employees, as well as Law Enforcement Recruits the Section 125 Cafeteria Plan contributions as follows:

1. CalPERS Health Program: The City will contribute the minimum employer contribution required pursuant to Government Code §22892(b) of the Public Employees’ Medical and Hospital Care Act (“**PEMCHA Minimum**”) per month per Employee for health insurance. The PEMHCA minimum is included in the monthly benefit allowance.
2. Dental Insurance: Mandatory enrollment: The City will contribute the Employee only cost for Delta Care USA insurance per month (“Dental Contribution”) toward one of two dental plans. Additional coverage may be purchased through the Optional Benefits allocation. The Dental Contribution is included in the monthly benefit allowance.
3. Vision Insurance: The City shall provide each Employee with a vision plan, with the City paying the premium. The vision plan will be Vision Service Plan, Option B. The City will pay the premium up to the cost of the family plan.

4. Optional Benefits: Subject to the PEMHCA minimum and mandatory dental insurance enrollment premium as specified in above paragraphs 1 and 2, the City shall contribute the remaining amount of Employee's benefit allowance through a contribution to an Internal Revenue Code §125 Cafeteria Plan as follows:

<u>Health/Dental/Vision Benefit Allowance (per month)</u>	
City Council & Miscellaneous Executive Management	\$1,504.00
Public Safety Executive Management	\$1,548.50
Public Safety Management	\$1,445.50
Miscellaneous Management	\$1,402.00
Unrepresented Confidential Employees	\$1,072.00
Law Enforcement Recruits	\$ 620.00

- a. If the City's contribution exceeds the cost of the employee only coverage, the difference shall be contributed toward the cost of dependent coverage or to the employee in cash as taxable income.
  - i. Those employees who receive cash as taxable income will have the amount capped to the amount they were receiving as of July 1, 2021, and then reduced to an amount that will allow the City-wide Total Medical Plan Payment to be less than 20%. The amount of the reduction will not be greater than 19.51% of the amount received as of July 1, 2021. This amount will result in the employee's new capped cash-in-lieu for the term of this resolution.
- b. Those employees who qualify to receive cash as taxable income and who subsequently reduce their cash-in-lieu amount through a qualifying change, shall be subject to the new cash-in-lieu cap based on their elected reduced amount, and will forfeit their previous cash-in-lieu cap.
- c. Employees who do not take cash-in-lieu as of July 1, 2021, for any unused portion of the City's contribution toward benefits shall no longer be eligible for cash-in-lieu.
- d. If the premium cost of the health plan exceeds the City contribution, the employee shall pay through payroll deduction the difference between the monthly premium and the amount contributed by the City.
- e. The Employee's exercise of the option to use the difference toward dependent health coverage or the deferred compensation plan is subject to

the conditions controlling enrollment periods and eligibility established by the respective plans or carriers.

- f. Dependent enrollment will require proof of eligibility for dependent status including social security number, marriage, birth, and/or adoption certificates.
5. Circumstances Under Which An Employee Hired Before 7/1/2021, Can Receive Cash in Lieu of City Coverage:

An employee is required to carry one of the City's designated medical plans unless they opt out. An employee hired before 7/1/2021 may receive cash-in-lieu subject to the provisions in this section for opting out of the City's designated medical plans during the annual open enrollment period by signing a written waiver each year, that attests that the employee and each member of the employee's Tax Family (i.e. all individuals for whom the employee expects to claim a personal exemption deduction for the upcoming tax year) each has alternative minimum essential coverage (other than coverage in the individual market and other than individual coverage through Covered California) for the upcoming tax year. If the employee provides the executed written waiver and documentation confirming that they are enrolled in an alternative group health plan that satisfies the above at open enrollment or within 30 days after the start of the plan year, they will be entitled to the maximum allotted cash referenced in this section to be taken as taxable income.

**B. EMPLOYEES HIRED ON OR AFTER JULY 2, 2021**

The City provides City Council, Executive, Management and Confidential Employees, as well as Law Enforcement Recruits the Section 125 Cafeteria Plan contributions as follows:

- 1. CalPERS Health Program: The City will contribute the minimum employer contribution required pursuant to Government Code §22892(b) of the Public Employees' Medical and Hospital Care Act ("**PEMCHA Minimum**") per month per Employee for health insurance. The PEMHCA minimum is included in the monthly benefit allowance.
- 2. Dental Insurance: Mandatory enrollment: The City will contribute the Employee only cost for Delta Care USA insurance per month ("Dental Contribution") toward one of two dental plans. Additional coverage may be purchased through the Optional Benefits allocation. The Dental Contribution is included in the monthly benefit allowance.
- 3. The City shall provide each Employee with a vision plan, with the City paying the premium. The vision plan will be Vision Service Plan, Option B. The City will pay the premium up to the cost of the family plan.



4. Optional Benefits: Subject to the PEMHCA minimum and mandatory dental insurance enrollment premium as specified in above paragraphs 1 and 2, the City shall contribute the remaining amount of Employee's benefit allowance through a contribution to an Internal Revenue Code §125 Cafeteria Plan as follows:

<u>Health/Dental/Vision Benefit Allowance (per month)</u>	
City Council & Miscellaneous Executive Management	\$1,504.00
Public Safety Executive Management	\$1,548.50
Public Safety Management	\$1,445.50
Miscellaneous Management	\$1,402.00
Unrepresented Confidential Employees	\$1,072.00
Law Enforcement Recruits	\$ 620.00

- a. If the City's contribution exceeds the cost of the employee only coverage, the difference shall be contributed toward the cost of dependent coverage. No amount shall be given in cash as taxable income.
- b. If the premium cost of the health plan exceeds the City contribution, the employee shall pay through payroll deduction the difference between the monthly premium and the amount contributed by the City.
- c. Dependent enrollment will require proof of eligibility for dependent status including social security number, marriage, birth, and adoption certificates.

**SECTION 16. LIFE INSURANCE**

The City shall provide the City Council with Group Term Life and Accidental Death and Dismemberment (AD&D) insurance in the amount of \$35,000.

Executive and Management Employees shall be provided Group Term Life and AD&D insurance equal to their annual salary rounded to the nearest (next highest) one thousand dollars, plus an additional \$25,000 Term Life and AD&D policy.

The City shall provide Confidential and Unrepresented Employees with Group Term Life and AD&D insurance in the amount of \$25,000.

An optional Employee-paid Group Term Life insurance policy shall be offered to all full-time Executive, Management, Confidential, and Unrepresented Employees.

**SECTION 17. LONG TERM DISABILITY INSURANCE**

The City shall provide Executive, Management, and Confidential Employees with Group Long Term Disability (LTD) Insurance.

An optional Employee-paid Group LTD “buy-up benefit” shall also be offered to Executive, Management, and Confidential Employees.

Executive and Management Employees will receive 0.5% of their annual salary that may be used to buy additional LTD insurance from the City’s provider to achieve up to \$10,000 per month maximum benefits coverage. If the Employee does not desire additional LTD insurance or there is a portion of the 0.5% remaining, the Employee may apply part of or all of this 0.5% of annual salary benefit to the Employee’s deferred compensation account with the City’s deferred compensation program or take this amount as additional compensation.

**SECTION 18. RETIREE HEALTH INSURANCE**

**A. EMPLOYEES HIRED BEFORE JULY 1, 2011**

**Program Description**

For Employees hired before July 1, 2011 and retiring from the City on or after January 1, 2012 (“Tier II Retirees”), the City will provide a Premium Payment for the purpose of purchasing health coverage offered through CalPERS for the Tier II Retiree and their spouse in an amount not to exceed the monthly premium applicable to the coverage level for the retiree (i.e., One-Party or Two-Party) as shown in the chart below.

**Premium Payment**

The total Premium Payment shall be payable in the following form: (1) Public Employees' Medical and Hospital Care Act (“PEMHCA”) Minimum contribution payable directly to CalPERS, and (2) a reimbursement to the Tier II Retiree equal to the difference between the cost of the plan in which the Tier II Retiree enrolls, subject to the caps below, and the PEMHCA Minimum contribution (“Reimbursement”). If a retiree enrolls in a more expensive plan, they will be responsible for payment of any premium in excess of the capped amount.

	Tier II Non-Public Safety Classifications	Tier II Public Safety Executive and Management
One-Party (Retiree Only)	\$ 505.63*	\$ 605.63*
Two-Party (Retiree + Spouse)	\$ 1,011.26*	\$ 1,111.26*

*\* These amounts include the PEMHCA Minimum. The PEMHCA Minimum is paid directly to CalPERS, not to the eligible retiree.*

As specified below, the Reimbursement shall cease for the Tier II Retiree upon eligibility for Medicare coverage, and the Reimbursement shall cease for the spouse upon eligibility for Medicare coverage, or after 15 years, whichever occurs first.

### **Eligibility Requirements**

Tier II Retirees must be “eligible retirees” in order to receive the benefits described in this subsection. Eligible retirees must meet the following requirements:

1. **Executive Management Employees** who retire from the City on a service, disability, or industrial disability retirement must have a minimum of 15 years of public service, of which at least 5 continuous years of service are with the City of Arcadia.
  
2. **Management and Confidential Employees** who retire on a service, disability, or industrial disability retirement must have a minimum of 1,000 hours of accumulated sick leave at the date of retirement, except for Fire Safety Management Employees, who shall have a minimum of 1,500 hours.

A Management or Confidential Employee who has fewer than the required accumulated sick leave at the date of retirement may become eligible for the retiree health benefit by paying the City an amount equal to the Employee’s daily pay rate at the time of retirement times the number of hours needed to meet the 1,000 or 1,500 hours of accumulated sick leave requirement with the following restrictions:

- i. The Employee must have reached age 55 (50 for Fire Safety Management). This requirement is not applicable if the Employee is retiring due to disability or industrial disability retirement; and
  
- ii. The Employee must have worked full-time continuously for the City of Arcadia for a minimum of 15 years; and
  
- iii. The Employee would be limited to purchasing a maximum of 350 hours of sick leave (525 hours for Fire Safety Management) provided, however, upon verification of information from a qualified medical provider that an Employee has substantially depleted the Employee’s sick leave accrual due to an absence or absences caused by a serious illness or injury suffered by the Employee or a family dependent living in the Employee’s household, this purchase limitation of 350 hours will be excused.

3. **All retirees**, and if applicable, the retiree's spouse, must be enrolled in CalPERS retiree medical and maintain eligibility to continue in the CalPERS Health Program as stipulated by CalPERS in order to receive the City's Premium Payment. However, in the event a retiree or spouse is eligible for CalPERS retiree medical but is unable to secure such coverage because there are no CalPERS plans available in their place of residence, the retiree may receive the City's Reimbursement, provided the retiree submits sufficient proof to the City that they have obtained alternative coverage and have made the necessary premium payments. The retiree shall also notify the City immediately if such alternative coverage is cancelled or otherwise ceases. The retiree shall solely be responsible for obtaining and maintaining such alternative coverage.
4. **Termination of Eligibility:** An eligible retiree shall cease to be eligible for the City's Reimbursement upon becoming eligible for Medicare coverage. The retiree's spouse shall become ineligible for the City's Reimbursement upon becoming eligible for Medicare coverage or after 15 years, whichever occurs first. Accordingly, the City's Reimbursement will cease upon becoming ineligible.

B. EMPLOYEES HIRED ON OR AFTER JULY 1, 2011

Tier III Retirees. For Employees hired on or after July 1, 2011, that retire from the City and who remain enrolled in a CalPERS health plan after retirement ("**Tier III Retiree**"), the City will pay no more than the PEMHCA Minimum contribution, payable directly to CalPERS. Tier III Retirees shall not be reimbursed or otherwise receive payment from the City for health insurance premiums in excess of the PEMHCA Minimum contribution.

**SECTION 19. PHYSICAL EXAMINATIONS – MANAGEMENT**

Miscellaneous Executive and Management Employees have the option to receive a biannual comprehensive physical medical examination at no cost to the Employee. Public Safety Executive Management and Management Employees have the option to receive the physical annually, at no cost to the Employee. The City shall establish the terms and conditions of the physical examination.

**SECTION 20. LEAVES OF ABSENCE**

A. MISCELLANEOUS LEAVES OF ABSENCE

Upon the written request of an Employee stating the reasons therefore, the appointing power with the approval of the City Manager shall have power to grant leaves of absence with or without pay, subject to the following restrictions:

1. Length. Leave of absence with or without pay may be granted for a period not to exceed 1 year with the exception that military leaves may be granted for the

duration of a war or national emergency or as required by the Military and Veteran's Code.

2. Reason. A leave of absence may be granted, provided the Employee meets all other requirements set forth in this rule, who desires to attend school or college or to enter training to improve the quality of their service, who enters military service of the United States, who is temporarily incapacitated by illness, or who presents some other reasons equally satisfactory.
3. Right to Return. The granting of a leave of absence without pay confers upon the Employee the right to return to their classification before or at the expiration of their leave of absence. Therefore, a leave of absence shall be granted only to an Employee who intends to return to their classification with the City. An Employee who fails to report for work at the end of an approved leave will be deemed to have voluntarily resigned.
4. Service Record. A request for leave of absence will not be considered unless the Employee presenting the request has a satisfactory service record.
5. An Employee granted a leave of absence may be required by the appointing power or the City Manager to obtain and present a fitness for duty certification from a health care provider that the Employee is able to resume work. Failure to provide such certification will result in denial of restoration.
6. The granting of a leave of absence of 30 days or less, with or without pay, shall not constitute an interruption of service within the meaning of this subsection. The granting of a leave of absence with or without pay of more than 30 days shall constitute an interruption of service unless, in the action granting such leave of absence, it is provided that such leave of absence shall not constitute an interruption of service.
7. The City shall continue to provide health, dental, life, and disability insurance for an Employee granted a leave of absence for up to 30 calendar days. It shall be the responsibility of the Employee who wishes to continue any insurance coverage beyond the 30 calendar days to notify Human Resources of their intent to continue coverage and remit the full monthly premium for any coverage to the Administrative Services Department. However, if an Employee has accrued leaves and uses a minimum of 40 hours of leave per pay period, the City will continue normal health insurance contributions. The aforementioned leaves must be permissible with the specific use requirements of such leave.

B. FAMILY AND MEDICAL LEAVES

Upon the written request of an Employee, the City shall grant any and all Family Care and Medical Leaves as required by law.

**SECTION 21. VACATION ACCRUAL RATE**

**A. MISCELLANEOUS EXECUTIVE MANAGEMENT**

Miscellaneous Executive Management Employees, with the exception of temporary appointments, shall accumulate vacation for continuous years of fulltime service with the City of Arcadia, beginning with the first full pay period of employment, as shown below.

<b>Continuous Years of Service</b>	<b>Hours Per Pay Period</b>
Through completion of the 4 <sup>th</sup> year:	4.616
Beginning of the 5 <sup>th</sup> year through completion of the 9 <sup>th</sup> year:	5.231
Beginning of the 10 <sup>th</sup> year and beyond:	6.154

Additionally, Miscellaneous Executive Management Employees shall accumulate vacation at the rate of 6.154 hours per pay period after they have served 20 years in paid public service with all public agencies including at the City of Arcadia and any other public service organization where they were employed, subject to the written approval of the City Manager.

**C. SAFETY EXECUTIVE AND POLICE MANAGEMENT AND DEPUTY FIRE CHIEF**

Safety Executive Management Employees, and Employees in the classifications of Police Captain, Police Lieutenant, and Deputy Fire Chief, with the exception of temporary appointments, shall accumulate vacation for continuous years of fulltime service with the City of Arcadia, beginning with the first full pay period of employment, as shown below.

<b>Continuous Years of Service</b>	<b>Hours Per Pay Period</b>
Through completion of the 9 <sup>th</sup> year:	4.616
Beginning of the 10 <sup>th</sup> year through completion of the 14 <sup>th</sup> year:	6.770
Beginning of the 15 <sup>th</sup> year and beyond:	7.692

Additionally, upon hire, Safety Executive Management Employees with 20 years of paid public service with any public agencies including the City of Arcadia and any other public service organization, shall accumulate vacation at the rate of 7.692 hours per pay period, subject to the written approval of the City Manager.

D. MISCELLANEOUS MANAGEMENT & UNREPRESENTED CONF. EMPLOYEES

Miscellaneous Management and Confidential Employees, with the exception of temporary appointments, shall accumulate vacation for continuous years of fulltime service with the City of Arcadia, beginning with the first full pay period of employment, as shown below.

<b>Continuous Years of Service</b>	<b>Hours Per Pay Period</b>
Through completion of the 4 <sup>th</sup> year:	3.077
Beginning of the 5 <sup>th</sup> year through completion of the 9 <sup>th</sup> year:	4.616
Beginning of the 10 <sup>th</sup> year through completion of the 14 <sup>th</sup> year:	5.231
Beginning of the 15 <sup>th</sup> year and beyond:	6.154

D. BATTALION CHIEFS

Battalion Chiefs in the Fire Department on a 24-hour shift shall accumulate vacation for continuous years of fulltime service with the City of Arcadia, beginning with the first full pay period of employment, as shown below.

<b>Continuous Years of Service</b>	<b>Hours Per Pay Period</b>
Through completion of the 9 <sup>th</sup> year:	6.924
Beginning of the 10 <sup>th</sup> year through completion of the 14 <sup>th</sup> year:	10.154
Beginning of the 15 <sup>th</sup> year and beyond:	11.076

- A. Law Enforcement Recruits shall not accrue vacation leave.
- B. The City Manager may approve a higher vacation accrual rate based on total public agency work experience for new hires covered by this resolution.

**SECTION 22. VACATION LEAVE**

- A. **Required Use:** Executive and Management Employees shall take a minimum of 50% of their vacation days earned during the calendar year prior to the end of that calendar year.
- B. **Accrual Cap:** The remaining 50% of an Employee's vacation accrual shall be allowed to accumulate as shown below. Once an Employee has accumulated the

maximum amount, no more vacation will be accrued by the Employee until the Employee's accrual has been reduced below the maximum amount.

Employee Class	Accrual Cap (Maximum)
Executive Management Employees, and the classifications of Police Captain, Police Lieutenant, and Deputy Fire Chief	500 hours
All Other Management Employees and Confidential Employees	0-4 years of service: 400 hours 5-9 years of service: 400 hours 10-14 years of service: 500 hours 15+ years of service: 500 hours

When through work circumstances and needs of the job, an Employee has been unable to utilize vacation time and this has not been a pattern or practice for that Employee, the City Manager for good cause may approve excess accumulated vacation carried forward into the next fiscal/calendar year.

- C. **Sell Back:** Employees may sell back vacation time each calendar year at the hourly rate earned at the time the Employee opts to sell the time back subject to the following limitations:

Employee Class	Sell Back Hours Per Calendar Year
Miscellaneous Executive Management Employees	Up to 120
Safety Executive Management Employees	Up to 140
Miscellaneous Management Employees	Up to 80
Police Safety Management Employees	Up to 100
Deputy Fire Chief	Up to 100
Fire Battalion Chief (40-hour workweek)	Up to 100
Fire Battalion Chief (56-hour workweek)	Up to 150
Confidential Employees	Up to the amount of vacation used, by the date of request, not to exceed 80 hours.



**SECTION 23. SICK LEAVE FOR EXECUTIVE, MANAGEMENT, AND CONFIDENTIAL EMPLOYEES**

- A. Executive, Management, and Confidential Employees, with the exception of temporary appointments, assigned to a 40-hour workweek, shall accrue sick leave beginning with the first full pay period of employment on the basis of 3.693 hours for each pay period of service completed with the City or 1 hour for every 30 hours worked, whichever is greater. The maximum accrual per year is 96 hours. Management Employees assigned to a 56-hour workweek, with the exception of temporary appointments, shall accrue sick leave beginning with the first full pay period of employment on the basis of 5.54 hours for each pay period of service completed with the City or 1 hour for every 30 hours worked, whichever is greater. The maximum accrual per year is 144 hours.
- B. Paid sick leave will carry over each year of employment. Executive and Management Employees shall be allowed unlimited accumulation of sick leave. Confidential Employees may accumulate up to a maximum of 1,500 hours.
- C. Except as provided hereinafter, sick leave means authorized absence from duty of an employee who is temporarily disabled and unable to work due to one of the following:
  - i. Diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee
  - ii. Diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee's family member, which includes parent (biological, adoptive, foster parent, step parent, legal guardian, or a person who stood loco parentis when employee was a child), child (biological, adoptive, foster child, step child, legal ward, or a child to whom the employee stands loco parentis regardless of age or dependency status), spouse, registered domestic partner, parent-in-law, sibling, grandchild, or grandparent
  - iii. For an employee who is a victim of domestic violence, sexual assault, or stalking for the purposes described in Labor Code sections 230(c) and 230.1 (a).

An employee will make a reasonable effort to schedule medical appointments during non-working hours.

- D. If paid sick leave is taken for the diagnosis, care, or treatment of an existing health condition of, or preventive care of an employee or an employee's family member, the City Manager or designee may require an employee to provide medical certification or evidence of the reason for a sick leave absence that occurs after the employee has used the first 24 hours or 3 days, whichever is greater depending on the employee's regular scheduled workday, of paid sick leave in a year of

employment. The City Manager or designee may require a medical examination by a physician after the employee has used the first 24 hours or 3 days, whichever is greater depending on the employee's regular scheduled workday, of paid sick leave in a year of employment if the medical examination is job related and consistent with business necessity.

For leave pertaining to an employee who is a victim of domestic violence, sexual assault, or stalking, the City Manager or designee may request certification for unscheduled absences beginning on the first day of paid sick leave.

- E. Kin Care Leave: In addition to the prescribed purposes of paid sick leave in Section c. an employee may use up to one-half of their annual accrual of sick leave to care for and attend to a family member who is ill. Every effort shall be made to schedule medical appointments for an ill family member during non-working hours. Family members for purposes of Kin Care leave shall include parent (biological, adoptive, foster parent, step-parent, or legal guardian), child (biological, adoptive, foster child, step child, legal ward, a child of a registered domestic partner, or a child to whom the employee stands loco parentis regardless of age or dependency), spouse, or registered domestic partner.
- F. In case of absence due to illness, if the paid sick leave is foreseeable, the Employee shall notify their Department Director within reasonable advance notice. If the paid sick leave is unforeseeable, the employee shall provide notice of the need for the leave as soon as possible. The minimum increment of use of paid sick leave shall be 30 minutes.
- G. The appointing power and City Manager may discipline an employee if sick leave is used for an inappropriate purpose.
- H. If an employee separates from employment with the City and is rehired within one year from separation, up to 48 hours or 6 days, whichever is greater depending on the employee's regular scheduled workday, of accrued and unused sick leave will be reinstated.
- I. Upon separation from the City of Arcadia, an employee who works in their final pay period, shall receive credit for that pay period's sick leave accrual based on the following:

Management Employees assigned to a 40-hour workweek

0 to 29 hours:	No accrual
30 to 59 hours:	1 hour
60 to 80 hours:	3.693 hours

Management Employees assigned to a 56-hour workweek

0 to 24 hours:	No accrual
25 to 55 hours:	2 hours
56 and above:	5.54 hours

Unused sick leave is not cashed out upon termination, resignation, retirement, or other separation from employment. Unused sick leave may be converted to retirement service credits, as may be permitted under applicable retirement system laws and regulations.

- J. Upon appointment, the City Manager may grant Department Directors a bank of sick leave, not to exceed 96 hours. This bank will be pro-rated for newly appointed Department Directors using five years as the maximum employment period and using 20% for each full year of employment. For example, a newly appointed Department Director that has been employed by the City for two years would be eligible for 40% of the 96 hours (rounded up to the next whole number).

**SECTION 24. BEREAVEMENT LEAVE**

At the time of death, or where death appears imminent, in the immediate family, an Employee, with the exception of temporary appointments, may be granted a leave of absence with pay, upon approval of the appointing power and the City Manager. Immediate family is defined as the spouse, the Employee or Employee's spouse's mother or stepmother, father or stepfather, brother or sister, child or stepchild, grandparents, grandchildren, domestic partner, or any relative of the Employee or Employee's spouse residing in the same household. Such leave, up to 4 working days at one time [or 6 working days if travel outside of the following Counties is required: Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, San Luis Obispo, and Ventura], shall not be charged against sick or other leave. If more than the maximum days of Bereavement Leave provided in this Section is granted at one time, that amount over the limit shall be charged against sick or other leave. For Employees assigned to 24 hours shifts, a "day" means 12 hours or 1/2 shift.

**SECTION 25. MANAGEMENT LEAVE**

Executive and Management Employees shall be provided between 0 and 80 hours of Management Leave per fiscal year on a pro-rata basis as determined by the City Manager. This determination shall be based upon work circumstances, needs of the position, and frequency of required attendance at after-hour meetings and conferences. Such leave time is not accumulable, nor will compensation be paid in lieu thereof under any circumstances. When through work circumstances and needs of the job, an Employee has been unable to utilize Management Leave and this has not been a pattern or practice for that Employee, the City Manager, for good cause, may approve excess accumulated Management Leave carried forward in the next fiscal year.

**SECTION 26. WORKERS' COMPENSATION**

In those instances where an Executive, Management, or Confidential Employee is injured on duty and the injury is so recognized by the Workers' Compensation Act, the City of Arcadia, or the Workers' Compensation Appeal Board, such Employee shall be paid a combination of Workers' Compensation benefits and salary which will result in payment to the Employee of a sum equal to gross base salary. This sum will be paid for such time as the Employee is absent from duty because of such injury up to a maximum of one year for Executive and Management and 10 months for Confidential Employees from and after the date of such injury. Lost time due to an injury on duty shall not be charged against an Employee's accumulated sick leave.

**SECTION 27.        JURY LEAVE**

When an Employee is called or required to serve as a juror, attendance shall be deemed a leave of absence with full pay for up to 10 days per year. All days in excess of 10 days will not be compensated. The Employee shall remit to the City all fees received except mileage. For Employees assigned to an alternate workweek, pay for jury duty shall not be provided on regularly scheduled days off. The Employee shall be entitled to keep the fee paid for scheduled days off. Employees on Jury Service shall provide documentation that verifies attendance. If, after reporting for Jury Service, it is determined that the Employee's services are not required and the Employee is dismissed for the day, then the Employee, time permitting, is required to return to the job. Employees who cannot verify Jury Service attendance and Employees who do not return to work shall be subject to disciplinary action.

**SECTION 28.        COURT WITNESS LEAVE**

An Employee who is subpoenaed or required to appear in court as a witness shall be deemed to be on leave of absence. With approval of the appointing power and City Manager, an Employee may be granted leave with pay during their required absence. The Employee shall remit to the City fees received except mileage. A paid leave of absence shall not be granted for time spent in Court on personal cases.

**SECTION 29.        MILITARY LEAVE**

Any employee who is a member of the reserve corps of the Armed Forces of the United States or of the National Guard or the Naval Militia is entitled to a temporary military leave of absence as provided by applicable Federal Law and California State Law.

**SECTION 30.        LEAVE DONATIONS – INJURY/ILLNESS/DISABILITY**

- A.     Upon verification of information from a medical authority that an Employee or an Employee's family dependent living within their household, or the Employee's minor child, has been stricken by a serious/catastrophic illness or injury, and upon verification that the Employee is in danger of having their accumulated paid leave time depleted, an Employee may request, and the appointing power and City

Manager may determine that an Employee is eligible to receive donations of accumulated vacation/compensatory time.

- B. Upon determination that an Employee is eligible, a notice shall be distributed to all Employees advising that accumulated vacation leave or compensatory time hours may be donated to the eligible Employee.
- C. The minimum number of hours that may be donated by an Employee is 1 hour. The maximum donation by the Employee is 80 hours. Only full-hour increments of leave time are transferable. Donation of time is limited to accrued vacation or compensatory time, and does not include accrued sick leave, holidays, or any other accumulated leave.
- D. The Employee to whom the vacation/compensatory time is donated will be credited at the salary rate of the recipient, not the donor. Donated hours shall be converted to the dollar rate of the donor then transferred to hours at the recipient's rate.
- E. The donation of leave hours is irreversible. However, should the person receiving the donation not use all donated leave for the catastrophic illness/injury, the donor will not be charged for any unused hours.
- F. An Employee may not donate leave hours which would reduce their own total accrued leave balance of vacation, compensatory time, sick leave, and management leave to less than 160 hours.
- G. If any Employee is caring for a family dependent living within their household, or the Employee's minor child, their time away from work on donated leave shall not exceed 12 weeks in a 12 month period. A 12 month period is defined as a rolling period measured backward from the date leave is taken and continuous with each additional leave day taken.

**SECTION 31. LEAVE DEDUCTIONS**

Executive, Management, and Confidential Employees shall be deducted leave time (either sick, vacation, floating holiday, or management leave as appropriate) for absences from work for periods of less than a day (a full daily shift).

**SECTION 32. HOLIDAYS**

Executive, Management, and Confidential Employees other than Fire Safety Management Employees shall be allowed 8 hours (unless otherwise stated) of full pay for the following holidays:

New Year's Day  
Martin Luther King Jr. Day  
President's Day

January 1  
The third Monday in January  
The third Monday in February

Memorial Day	The last Monday in May
Independence Day	July 4
Labor Day	The first Monday in September
Veteran's Day	November 11
Thanksgiving Day	The fourth Thursday in November
Day after Thanksgiving Day	The Friday following the fourth Thursday in November
Christmas Eve	December 24 (4 hours)
Christmas Day	December 25
New Year's Eve	December 31 (4 hours)
Floating Holiday	In lieu of Admission Day
Floating Holiday	(not assigned to a specific holiday)

Every day appointed by the City Council for a public fast, thanksgiving, or holiday.

- A. Whenever New Year's Day (January 1) Independence Day (July 4), Veteran's Day (November 11), or Christmas Day (December 25) falls on a Saturday or Sunday, the Friday preceding or the Monday following, respectively, shall be designated as the holiday.
- B. Floating holidays are to be scheduled by the Employee in the same manner as vacation leave and do not carry over into subsequent fiscal years. Failure to timely schedule the days off shall result in their loss.
- C. Full-time Employees in the Executive, Management, and Confidential unit employed on July 1 of the fiscal year shall conditionally accrue 8 hours of floating holiday for the aforementioned Holidays. If the Employee uses floating holiday leave and separates from City employment before the date upon which the floating holiday is designated (Admission Day), said floating holiday leave shall be repaid to the City through payroll deduction or deducted from the Employee's vacation leave bank. Employees hired after the beginning of the fiscal year shall accrue floating holidays only if the Employee is employed before the date on which the floating holiday is based (Admission Day). As an example, an Employee hired on July 15, would receive a floating holiday for Admission Day for that fiscal year. However, if that same Employee was hired on March 15, the Employee would not receive any floating holiday benefit for that fiscal year.
- D. A non-exempt Employee required to work or attend a class or function on any holiday allowed by this Section shall be paid for the holiday, and in addition, shall be compensated in accordance with the Fair Labor Standards Act (FLSA) applicable overtime rules in calculating regular rate of pay. The regular rate of pay calculation includes Longevity Pay. A holiday allowed by this Section occurring during any leave of absence shall be added to the number of working days' leave of absence to which such Employee is entitled.

- E. Executive Management, and Confidential Employees assigned to an alternate workweek may use accrued vacation time, accrued compensatory time, floating holiday time, or unpaid leave to make up the difference between the provided hours of holiday pay and the actual number of regularly scheduled working hours for a designated holiday.
- F. Executive, Management, and Confidential Employees who are assigned to an alternate work schedule shall receive 1 extra hour of holiday for any holiday that falls on a scheduled workday of 9 hours or more. For example, if a holiday falls on a day that an Employee is scheduled to work 9 hours, the Employee shall receive 9 hours of holiday pay.
- G. Management Employees assigned to the Fire Department and working a 56-hour workweek shall be limited to allow the following 12 hour holidays:

New Year's Day	Labor Day
Martin Luther King Jr. Day	Admission Day
President's Day	Columbus Day
Cesar Chavez Day	Thanksgiving Day
Independence Day	The Day After Thanksgiving
Labor Day	Christmas

In lieu of time off, the position of Battalion Chief working a 56-hour workweek shall receive 144 hours of regular rate of pay.

- H. The positions of Police Captain and Police Lieutenant have the option of receiving up to 25 hours of floating holiday pay in cash in lieu of taking the time off.

**SECTION 33. SEVERANCE PAY**

- A. An Employee, with the exception of temporary appointments and Department Directors, whose position is abolished or vacated by a reduction in workload or lack of funds and has at least 1 year of consecutive full-time service with the City shall receive, upon termination, severance pay. Severance pay shall be a lump sum payment equal to 1/5<sup>th</sup> of an Employee's previous month's salary times the number of years of consecutive service, not to exceed 10 years of service. Additionally, the City shall: 1) contract with a mental health carrier to provide transitional counseling services to affected Employees for up to 3 months; and 2) contract with a displacement service provider to provide professional guidance and assistance for the laid off Employee in their employment search for up to 3 months. The displaced Employee shall also receive one full month of paid health insurance (at the Employee's current coverage) in addition to any coverage remaining in the month of layoff.

- B. A Department Director whose position is abolished or vacated by a reduction in workload or lack of funds, or who is involuntarily removed from their position and has at least 1 year of consecutive full-time service with the City may receive, upon termination, severance pay. Severance pay as authorized by the City Manager, shall be a lump sum payment, and can be any amount up to 6 months' salary. The displaced Employee shall also receive paid health insurance (at the Employee's current coverage) in addition to any coverage remaining in the month of layoff or termination. The amount of paid health insurance coverage shall be equal to the length of the severance pay that was granted under this paragraph. At the discretion of the City Council, the severance pay and continuation of health benefits may be increased for an additional period of time.

**SECTION 34. WORKDAY SCHEDULES**

A workday shall be defined as an 8-hour period for all City Employees, with the exception that Fire Employees assigned to 24-hour shift; a day means a 12-hour period. A workday may be defined differently if an Employee is assigned to an alternative work schedule. An Employee who changes between an 8-hour and a 12-hour day shall have leave hours recalculated on the basis of the number of hours worked.

**SECTION 35. Y-RATING – MANAGEMENT EMPLOYEES**

Y-Rating occurs when a position is reclassified to a lower salary range and where an incumbent Employee continues to hold their current salary until the "Y-rating" process brings the Employee's salary to the top step of the new salary range for that position. Y-rating shall not be permissible for Executive Management Employees.

If a Y-Rated salary of an Employee is greater than 7.5% than the top step of a newly established salary range, then the Y-Rated salary shall be reduced by up to 5% the first pay period in January, and up to 5% the first pay period in July, until the range of the Y-Rated salary is equal to or less than the top step of the new salary range.

**SECTION 36. SICK LEAVE FOR PART TIME UNREPRESENTED EMPLOYEES, INCLUDING LAW ENFORCEMENT RECRUITS**

- A. Part-Time Unrepresented Employees, including Law Enforcement Recruits, shall accrue sick leave beginning with the first full pay period of employment on the basis of 1 hour for every 30 hours worked. The maximum accrual per year is 48 hours.

Paid sick leave will carry over each year of employment however an employee may only accumulate up to a maximum of 48 hours or 6 days, whichever is greater depending on the employee's regular scheduled workday, of sick leave with pay.

- B. If an employee separates from employment and is rehired within one year from separation, up to 48 hours or 6 days, whichever is greater depending on the



employee's regular scheduled workday, of accrued and unused sick leave will be reinstated.

- C. A waiting period of 90 days is required before an employee may be eligible to use paid sick leave. An employee who is rehired within one year from their date of separation, and who worked at least 90 days in the initial employment with the City may immediately use reinstated sick leave. An employee who had not worked 90 days in the initial employment with the City must work the remaining amount of the 90-day qualifying period to be able to use accrued sick leave with pay.
- D. If paid sick leave is taken for the diagnosis, care, or treatment of an existing health condition of, or preventive care of an employee or an employee's family member, the City Manager or designee may require an employee to provide medical certification or evidence of the reason for a sick leave absence that occurs after the employee has used the first 24 hours or 3 days, whichever is greater depending on the employee's regular scheduled workday, of paid sick leave in a year of employment. The City Manager or designee may require a medical examination by a physician after the employee has used the first 24 hours or 3 days, whichever is greater depending on the employee's regular scheduled workday, of paid sick leave in a year of employment if the medical examination is job related and consistent with business necessity

For leave pertaining to an employee who is a victim of domestic violence, sexual assault, or stalking, the City Manager or designee may request certification for unscheduled absences beginning on the first day of paid sick leave.

- E. Sick leave means paid authorized absence from duty of an Employee who is temporarily disabled and unable to work due to one of the following:
  - i. Diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee
  - ii. Diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee's family member, which includes parent (biological, adoptive, foster parent, step parent, legal guardian, or a person who stood loco parentis when employee was a child), child (biological, adoptive, foster child, step child, legal ward, or a child to whom the employee stands loco parentis regardless of age or dependency status), spouse, registered domestic partner, parent-in-law, sibling, grandchild, or grandparent
  - iii. For an employee who is a victim of domestic violence, sexual assault, or stalking for the purposes described in Labor Code sections 230(c) and 230.1 (a).

An employee will make a reasonable effort to schedule medical appointments during non-working hours.

- F. Kin Care Leave: In addition to the prescribed purposes of paid sick leave in Section d. an employee may use up to one-half of his/her annual accrual of sick leave to care for and attend to a family member who is ill. Every effort shall be made to schedule medical appointments for an ill family member during non-working hours. Family members for purposes of Kin Care leave shall include parent (biological, adoptive, foster parent, step-parent, or legal guardian), child (biological, adoptive, foster child, step child, legal ward, a child of a registered domestic partner, or a child to whom the employee stands loco parentis regardless of age or dependency), spouse, or registered domestic partner.
- G. In case of absence due to illness, if the paid sick leave is foreseeable, the Employee shall notify their supervisor within reasonable advance notice. If the paid sick leave is unforeseeable, the employee shall provide notice of the need for the leave as soon as possible. The minimum increment of use of paid sick leave shall be 30 minutes.
- H. The appointing power and City Manager may discipline an employee if sick leave is used for an inappropriate purpose.
- I. Upon separation from the City of Arcadia, an employee who works in their final pay period, shall receive credit for that pay period's sick leave accrual based on the following:

0 to 29 hours:	No accrual
30 to 59 hours:	1 hour
60 to 80 hours:	2 hours

Unused sick leave is not cashed out upon termination, resignation, retirement, or other separation from employment.

**SECTION 37. FRINGE BENEFITS – ELIGIBILITY**

The City Council, Executive, Management, Confidential Employees, and Unrepresented benefitted Employees, as defined in Section 2 (including only those Employees who at minimum receive CalPERS Retirement Benefits and Health Insurance contributions) not represented by a recognized Employee organization, with the exception of temporary appointments, shall be entitled to receive the benefits provided by the City of Arcadia as specified in the Resolution adopting said benefits.

Part-Time Unrepresented Employees as defined in Section 2 shall be entitled to receive the sick leave benefits as provided in Section 36.

**SECTION 38. AMENDMENTS**

Any modifications or amendments to the terms of this Resolution shall be implemented by a City Council approved Resolution directing inclusion of the modification or amendment as part of this Resolution.

**SECTION 39.           CERTIFICATION – ADOPTION OF RESOLUTION**

The City Clerk shall certify to the adoption of Resolution No.7383. Passed, approved and adopted this 5th day of October 2021.

**EXHIBIT "A"**  
**CITY OF ARCADIA MONTHLY SALARY RANGE**  
**JULY 1, 2021 - JUNE 30, 2022**  
**EXECUTIVE MANAGEMENT/ASSISTANT CITY MANAGER - 3.0% COLA**

Range Number	Title	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
89E	Director of Library & Museum Services Director of Recreation & Community Services	\$ 10,972	\$ 11,248	\$ 11,527	\$ 11,817	\$ 12,112	\$ 12,416	\$ 12,724	\$ 13,041	\$ 13,365	\$ 13,702
90E		\$ 11,248	\$ 11,527	\$ 11,817	\$ 12,112	\$ 12,416	\$ 12,724	\$ 13,041	\$ 13,365	\$ 13,702	\$ 14,044
91E		\$ 11,527	\$ 11,817	\$ 12,112	\$ 12,416	\$ 12,724	\$ 13,041	\$ 13,365	\$ 13,702	\$ 14,044	\$ 14,396
92E		\$ 11,817	\$ 12,112	\$ 12,416	\$ 12,724	\$ 13,041	\$ 13,365	\$ 13,702	\$ 14,044	\$ 14,396	\$ 14,754
93E		\$ 12,112	\$ 12,416	\$ 12,724	\$ 13,041	\$ 13,365	\$ 13,702	\$ 14,044	\$ 14,396	\$ 14,754	\$ 15,122
94E		\$ 12,416	\$ 12,724	\$ 13,041	\$ 13,365	\$ 13,702	\$ 14,044	\$ 14,396	\$ 14,754	\$ 15,122	\$ 15,500
95E		\$ 12,724	\$ 13,041	\$ 13,365	\$ 13,702	\$ 14,044	\$ 14,396	\$ 14,754	\$ 15,122	\$ 15,500	\$ 15,891
96E	Public Works Services Director	\$ 13,041	\$ 13,365	\$ 13,702	\$ 14,044	\$ 14,396	\$ 14,754	\$ 15,122	\$ 15,500	\$ 15,891	\$ 16,286
97E	Administrative Services Director	\$ 13,365	\$ 13,702	\$ 14,044	\$ 14,396	\$ 14,754	\$ 15,122	\$ 15,500	\$ 15,891	\$ 16,286	\$ 16,694
98E	Assistant City Manager/ Development Services Director	\$ 13,702	\$ 14,044	\$ 14,396	\$ 14,754	\$ 15,122	\$ 15,500	\$ 15,891	\$ 16,286	\$ 16,694	\$ 17,110

**SAFETY EXECUTIVE MANAGEMENT - 3.0% COLA**

99SE	Fire Chief	\$ 14,468	\$ 14,832	\$ 15,203	\$ 15,583	\$ 15,972	\$ 16,372	\$ 16,781	\$ 17,201	\$ 17,634	\$ 18,072
100SE	Police Chief	\$ 14,832	\$ 15,203	\$ 15,583	\$ 15,972	\$ 16,372	\$ 16,781	\$ 17,201	\$ 17,634	\$ 18,072	\$ 18,526

**EXHIBIT "A"**  
**CITY OF ARCADIA MONTHLY SALARY RANGE**  
**JULY 1, 2022 - JUNE 30, 2023**  
**EXECUTIVE MANAGEMENT/ASSISTANT CITY MANAGER - 3.0% COLA**

Range Number	Title	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
89E	Director of Library & Museum Services Director of Recreation & Community Services	\$ 11,301	\$ 11,585	\$ 11,873	\$ 12,172	\$ 12,475	\$ 12,788	\$ 13,106	\$ 13,432	\$ 13,766	\$ 14,113
90E		\$ 11,585	\$ 11,873	\$ 12,172	\$ 12,475	\$ 12,788	\$ 13,106	\$ 13,432	\$ 13,766	\$ 14,113	\$ 14,465
91E		\$ 11,873	\$ 12,172	\$ 12,475	\$ 12,788	\$ 13,106	\$ 13,432	\$ 13,766	\$ 14,113	\$ 14,465	\$ 14,828
92E		\$ 12,172	\$ 12,475	\$ 12,788	\$ 13,106	\$ 13,432	\$ 13,766	\$ 14,113	\$ 14,465	\$ 14,828	\$ 15,197
93E		\$ 12,475	\$ 12,788	\$ 13,106	\$ 13,432	\$ 13,766	\$ 14,113	\$ 14,465	\$ 14,828	\$ 15,197	\$ 15,576
94E		\$ 12,788	\$ 13,106	\$ 13,432	\$ 13,766	\$ 14,113	\$ 14,465	\$ 14,828	\$ 15,197	\$ 15,576	\$ 15,965
95E		\$ 13,106	\$ 13,432	\$ 13,766	\$ 14,113	\$ 14,465	\$ 14,828	\$ 15,197	\$ 15,576	\$ 15,965	\$ 16,368
96E	Public Works Services Director	\$ 13,432	\$ 13,766	\$ 14,113	\$ 14,465	\$ 14,828	\$ 15,197	\$ 15,576	\$ 15,965	\$ 16,368	\$ 16,775
97E	Administrative Services Director	\$ 13,766	\$ 14,113	\$ 14,465	\$ 14,828	\$ 15,197	\$ 15,576	\$ 15,965	\$ 16,368	\$ 16,775	\$ 17,195
98E	Assistant City Manager/ Development Services Director	\$ 14,113	\$ 14,465	\$ 14,828	\$ 15,197	\$ 15,576	\$ 15,965	\$ 16,368	\$ 16,775	\$ 17,195	\$ 17,623

**SAFETY EXECUTIVE MANAGEMENT - 4.0% COLA**

99SE	Fire Chief	\$ 15,047	\$ 15,425	\$ 15,811	\$ 16,206	\$ 16,611	\$ 17,027	\$ 17,452	\$ 17,889	\$ 18,339	\$ 18,795
100SE	Police Chief	\$ 15,425	\$ 15,811	\$ 16,206	\$ 16,611	\$ 17,027	\$ 17,452	\$ 17,889	\$ 18,339	\$ 18,795	\$ 19,267

**EXHIBIT "A"**  
**CITY OF ARCADIA MONTHLY SALARY RANGE**  
**JULY 1, 2023 - JUNE 30, 2024**  
**EXECUTIVE MANAGEMENT/ASSISTANT CITY MANAGER - 4.0% COLA**

Range Number	Title	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
89E	Director of Library & Museum Services Director of Recreation & Community Services	\$ 11,753	\$ 12,048	\$ 12,348	\$ 12,659	\$ 12,974	\$ 13,300	\$ 13,630	\$ 13,969	\$ 14,317	\$ 14,678
90E		\$ 12,048	\$ 12,348	\$ 12,659	\$ 12,974	\$ 13,300	\$ 13,630	\$ 13,969	\$ 14,317	\$ 14,678	\$ 15,044
91E		\$ 12,348	\$ 12,659	\$ 12,974	\$ 13,300	\$ 13,630	\$ 13,969	\$ 14,317	\$ 14,678	\$ 15,044	\$ 15,421
92E		\$ 12,659	\$ 12,974	\$ 13,300	\$ 13,630	\$ 13,969	\$ 14,317	\$ 14,678	\$ 15,044	\$ 15,421	\$ 15,805
93E		\$ 12,974	\$ 13,300	\$ 13,630	\$ 13,969	\$ 14,317	\$ 14,678	\$ 15,044	\$ 15,421	\$ 15,805	\$ 16,199
94E		\$ 13,300	\$ 13,630	\$ 13,969	\$ 14,317	\$ 14,678	\$ 15,044	\$ 15,421	\$ 15,805	\$ 16,199	\$ 16,604
95E		\$ 13,630	\$ 13,969	\$ 14,317	\$ 14,678	\$ 15,044	\$ 15,421	\$ 15,805	\$ 16,199	\$ 16,604	\$ 17,023
96E	Public Works Services Director	\$ 13,969	\$ 14,317	\$ 14,678	\$ 15,044	\$ 15,421	\$ 15,805	\$ 16,199	\$ 16,604	\$ 17,023	\$ 17,446
97E	Administrative Services Director	\$ 14,317	\$ 14,678	\$ 15,044	\$ 15,421	\$ 15,805	\$ 16,199	\$ 16,604	\$ 17,023	\$ 17,446	\$ 17,883
98E	Assistant City Manager/ Development Services Director	\$ 14,678	\$ 15,044	\$ 15,421	\$ 15,805	\$ 16,199	\$ 16,604	\$ 17,023	\$ 17,446	\$ 17,883	\$ 18,328

**SAFETY EXECUTIVE MANAGEMENT - 5.0% COLA**

99SE	Fire Chief	\$ 15,799	\$ 16,196	\$ 16,602	\$ 17,016	\$ 17,442	\$ 17,878	\$ 18,325	\$ 18,783	\$ 19,256	\$ 19,735
100SE	Police Chief	\$ 16,196	\$ 16,602	\$ 17,016	\$ 17,442	\$ 17,878	\$ 18,325	\$ 18,783	\$ 19,256	\$ 19,735	\$ 20,230

**EXHIBIT "A"**  
**CITY OF ARCADIA MONTHLY SALARY RANGE**  
**JULY 1, 2021 - JUNE 30, 2022**  
**MANAGEMENT - 3.0% COLA**

Range Number	Title	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
58M	Management Aide	\$ 5,102	\$ 5,231	\$ 5,361	\$ 5,495	\$ 5,634	\$ 5,772	\$ 5,921	\$ 6,064	\$ 6,215	\$ 6,372
59M	Buyer	\$ 5,231	\$ 5,361	\$ 5,495	\$ 5,634	\$ 5,772	\$ 5,921	\$ 6,064	\$ 6,215	\$ 6,372	\$ 6,532
60M		\$ 5,361	\$ 5,495	\$ 5,634	\$ 5,772	\$ 5,921	\$ 6,064	\$ 6,215	\$ 6,372	\$ 6,532	\$ 6,694
61M		\$ 5,495	\$ 5,634	\$ 5,772	\$ 5,921	\$ 6,064	\$ 6,215	\$ 6,372	\$ 6,532	\$ 6,694	\$ 6,864
62M		\$ 5,634	\$ 5,772	\$ 5,921	\$ 6,064	\$ 6,215	\$ 6,372	\$ 6,532	\$ 6,694	\$ 6,864	\$ 7,034
63M	Accountant Recreation Supervisor	\$ 5,772	\$ 5,921	\$ 6,064	\$ 6,215	\$ 6,372	\$ 6,532	\$ 6,694	\$ 6,864	\$ 7,034	\$ 7,210
64M	Purchasing Officer	\$ 5,921	\$ 6,064	\$ 6,215	\$ 6,372	\$ 6,532	\$ 6,694	\$ 6,864	\$ 7,034	\$ 7,210	\$ 7,389
65M		\$ 6,064	\$ 6,215	\$ 6,372	\$ 6,532	\$ 6,694	\$ 6,864	\$ 7,034	\$ 7,210	\$ 7,389	\$ 7,575
66M		\$ 6,215	\$ 6,372	\$ 6,532	\$ 6,694	\$ 6,864	\$ 7,034	\$ 7,210	\$ 7,389	\$ 7,575	\$ 7,764
67M	Human Resources Analyst	\$ 6,372	\$ 6,532	\$ 6,694	\$ 6,864	\$ 7,034	\$ 7,210	\$ 7,389	\$ 7,575	\$ 7,764	\$ 7,959
68M	Crime Analyst/Investigative Support Specialist Management Analyst	\$ 6,532	\$ 6,694	\$ 6,864	\$ 7,034	\$ 7,210	\$ 7,389	\$ 7,575	\$ 7,764	\$ 7,959	\$ 8,159
69M	Senior Accountant	\$ 6,694	\$ 6,864	\$ 7,034	\$ 7,210	\$ 7,389	\$ 7,575	\$ 7,764	\$ 7,959	\$ 8,159	\$ 8,361
70M		\$ 6,864	\$ 7,034	\$ 7,210	\$ 7,389	\$ 7,575	\$ 7,764	\$ 7,959	\$ 8,159	\$ 8,361	\$ 8,571
71M		\$ 7,034	\$ 7,210	\$ 7,389	\$ 7,575	\$ 7,764	\$ 7,959	\$ 8,159	\$ 8,361	\$ 8,571	\$ 8,787
72M	Environmental Services Manager Police Records Manager Senior Human Resources Analyst Senior Management Analyst Transportation Services Manager	\$ 7,210	\$ 7,389	\$ 7,575	\$ 7,764	\$ 7,959	\$ 8,159	\$ 8,361	\$ 8,571	\$ 8,787	\$ 9,005
73M		\$ 7,389	\$ 7,575	\$ 7,764	\$ 7,959	\$ 8,159	\$ 8,361	\$ 8,571	\$ 8,787	\$ 9,005	\$ 9,230
74M		\$ 7,575	\$ 7,764	\$ 7,959	\$ 8,159	\$ 8,361	\$ 8,571	\$ 8,787	\$ 9,005	\$ 9,230	\$ 9,461
75M	Accounting Supervisor	\$ 7,764	\$ 7,959	\$ 8,159	\$ 8,361	\$ 8,571	\$ 8,787	\$ 9,005	\$ 9,230	\$ 9,461	\$ 9,697
76M		\$ 7,959	\$ 8,159	\$ 8,361	\$ 8,571	\$ 8,787	\$ 9,005	\$ 9,230	\$ 9,461	\$ 9,697	\$ 9,941
77M		\$ 8,159	\$ 8,361	\$ 8,571	\$ 8,787	\$ 9,005	\$ 9,230	\$ 9,461	\$ 9,697	\$ 9,941	\$ 10,188
78M	Assistant to the City Manager Assistant Director of Recreation and Community Services General Services Superintendent Library Services Manager Planning Services Manager Streets Superintendent Utilities Superintendent	\$ 8,361	\$ 8,571	\$ 8,787	\$ 9,005	\$ 9,230	\$ 9,461	\$ 9,697	\$ 9,941	\$ 10,188	\$ 10,443
79M	Information Technology Manager Principal Civil Engineer	\$ 8,571	\$ 8,787	\$ 9,005	\$ 9,230	\$ 9,461	\$ 9,697	\$ 9,941	\$ 10,188	\$ 10,443	\$ 10,705
80M	Fire Marshal	\$ 8,787	\$ 9,005	\$ 9,230	\$ 9,461	\$ 9,697	\$ 9,941	\$ 10,188	\$ 10,443	\$ 10,705	\$ 10,972
81M		\$ 9,005	\$ 9,230	\$ 9,461	\$ 9,697	\$ 9,941	\$ 10,188	\$ 10,443	\$ 10,705	\$ 10,972	\$ 11,248

**EXHIBIT "A"**  
**CITY OF ARCADIA MONTHLY SALARY RANGE**  
**JULY 1, 2021 - JUNE 30, 2022**  
**MANAGEMENT - 3.0% COLA**

Range Number	Title	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
82M	Building Official Economic Development Manager	\$ 9,230	\$ 9,461	\$ 9,697	\$ 9,941	\$ 10,188	\$ 10,443	\$ 10,705	\$ 10,972	\$ 11,248	\$ 11,527
83M		\$ 9,461	\$ 9,697	\$ 9,941	\$ 10,188	\$ 10,443	\$ 10,705	\$ 10,972	\$ 11,248	\$ 11,527	\$ 11,817
84M		\$ 9,697	\$ 9,941	\$ 10,188	\$ 10,443	\$ 10,705	\$ 10,972	\$ 11,248	\$ 11,527	\$ 11,817	\$ 12,112
85M		\$ 9,941	\$ 10,188	\$ 10,443	\$ 10,705	\$ 10,972	\$ 11,248	\$ 11,527	\$ 11,817	\$ 12,112	\$ 12,416
86M	Financial Services Manager/Treasurer Human Resources Administrator	\$ 10,188	\$ 10,443	\$ 10,705	\$ 10,972	\$ 11,248	\$ 11,527	\$ 11,817	\$ 12,112	\$ 12,416	\$ 12,724
87M	Deputy City Manager Deputy Public Works Services Director Planning and Community Development Administrator	\$ 10,443	\$ 10,705	\$ 10,972	\$ 11,248	\$ 11,527	\$ 11,817	\$ 12,112	\$ 12,416	\$ 12,724	\$ 13,041
88M		\$ 10,705	\$ 10,972	\$ 11,248	\$ 11,527	\$ 11,817	\$ 12,112	\$ 12,416	\$ 12,724	\$ 13,041	\$ 13,365
89M		\$ 10,972	\$ 11,248	\$ 11,527	\$ 11,817	\$ 12,112	\$ 12,416	\$ 12,724	\$ 13,041	\$ 13,365	\$ 13,702
90M		\$ 11,248	\$ 11,527	\$ 11,817	\$ 12,112	\$ 12,416	\$ 12,724	\$ 13,041	\$ 13,365	\$ 13,702	\$ 14,044
91M	Deputy Director of Development Services/City Engineer	\$ 11,527	\$ 11,817	\$ 12,112	\$ 12,416	\$ 12,724	\$ 13,041	\$ 13,365	\$ 13,702	\$ 14,044	\$ 14,396



**EXHIBIT "A"**  
**CITY OF ARCADIA MONTHLY SALARY RANGE**  
**JULY 1, 2022 - JUNE 30, 2023**  
**MANAGEMENT - 3.0% COLA**

Range Number	Title	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
58M	Management Aide	\$ 5,255	\$ 5,388	\$ 5,522	\$ 5,660	\$ 5,803	\$ 5,945	\$ 6,099	\$ 6,246	\$ 6,401	\$ 6,563
59M	Buyer	\$ 5,388	\$ 5,522	\$ 5,660	\$ 5,803	\$ 5,945	\$ 6,099	\$ 6,246	\$ 6,401	\$ 6,563	\$ 6,728
60M		\$ 5,522	\$ 5,660	\$ 5,803	\$ 5,945	\$ 6,099	\$ 6,246	\$ 6,401	\$ 6,563	\$ 6,728	\$ 6,895
61M		\$ 5,660	\$ 5,803	\$ 5,945	\$ 6,099	\$ 6,246	\$ 6,401	\$ 6,563	\$ 6,728	\$ 6,895	\$ 7,070
62M		\$ 5,803	\$ 5,945	\$ 6,099	\$ 6,246	\$ 6,401	\$ 6,563	\$ 6,728	\$ 6,895	\$ 7,070	\$ 7,245
63M	Accountant Recreation Supervisor	\$ 5,945	\$ 6,099	\$ 6,246	\$ 6,401	\$ 6,563	\$ 6,728	\$ 6,895	\$ 7,070	\$ 7,245	\$ 7,426
64M	Purchasing Officer	\$ 6,099	\$ 6,246	\$ 6,401	\$ 6,563	\$ 6,728	\$ 6,895	\$ 7,070	\$ 7,245	\$ 7,426	\$ 7,611
65M		\$ 6,246	\$ 6,401	\$ 6,563	\$ 6,728	\$ 6,895	\$ 7,070	\$ 7,245	\$ 7,426	\$ 7,611	\$ 7,802
66M		\$ 6,401	\$ 6,563	\$ 6,728	\$ 6,895	\$ 7,070	\$ 7,245	\$ 7,426	\$ 7,611	\$ 7,802	\$ 7,997
67M	Human Resources Analyst	\$ 6,563	\$ 6,728	\$ 6,895	\$ 7,070	\$ 7,245	\$ 7,426	\$ 7,611	\$ 7,802	\$ 7,997	\$ 8,198
68M	Crime Analyst/Investigative Support Specialist Management Analyst	\$ 6,728	\$ 6,895	\$ 7,070	\$ 7,245	\$ 7,426	\$ 7,611	\$ 7,802	\$ 7,997	\$ 8,198	\$ 8,404
69M	Senior Accountant	\$ 6,895	\$ 7,070	\$ 7,245	\$ 7,426	\$ 7,611	\$ 7,802	\$ 7,997	\$ 8,198	\$ 8,404	\$ 8,612
70M		\$ 7,070	\$ 7,245	\$ 7,426	\$ 7,611	\$ 7,802	\$ 7,997	\$ 8,198	\$ 8,404	\$ 8,612	\$ 8,828
71M		\$ 7,245	\$ 7,426	\$ 7,611	\$ 7,802	\$ 7,997	\$ 8,198	\$ 8,404	\$ 8,612	\$ 8,828	\$ 9,051
72M	Environmental Services Manager Police Records Manager Senior Human Resources Analyst Senior Management Analyst Transportation Services Manager	\$ 7,426	\$ 7,611	\$ 7,802	\$ 7,997	\$ 8,198	\$ 8,404	\$ 8,612	\$ 8,828	\$ 9,051	\$ 9,275
73M		\$ 7,611	\$ 7,802	\$ 7,997	\$ 8,198	\$ 8,404	\$ 8,612	\$ 8,828	\$ 9,051	\$ 9,275	\$ 9,507
74M		\$ 7,802	\$ 7,997	\$ 8,198	\$ 8,404	\$ 8,612	\$ 8,828	\$ 9,051	\$ 9,275	\$ 9,507	\$ 9,745
75M	Accounting Supervisor	\$ 7,997	\$ 8,198	\$ 8,404	\$ 8,612	\$ 8,828	\$ 9,051	\$ 9,275	\$ 9,507	\$ 9,745	\$ 9,988
76M		\$ 8,198	\$ 8,404	\$ 8,612	\$ 8,828	\$ 9,051	\$ 9,275	\$ 9,507	\$ 9,745	\$ 9,988	\$ 10,239
77M		\$ 8,404	\$ 8,612	\$ 8,828	\$ 9,051	\$ 9,275	\$ 9,507	\$ 9,745	\$ 9,988	\$ 10,239	\$ 10,494
78M	Assistant to the City Manager Assistant Director of Recreation and Community Services General Services Superintendent Library Services Manager Planning Services Manager Streets Superintendent Utilities Superintendent	\$ 8,612	\$ 8,828	\$ 9,051	\$ 9,275	\$ 9,507	\$ 9,745	\$ 9,988	\$ 10,239	\$ 10,494	\$ 10,756
79M	Information Technology Manager Principal Civil Engineer	\$ 8,828	\$ 9,051	\$ 9,275	\$ 9,507	\$ 9,745	\$ 9,988	\$ 10,239	\$ 10,494	\$ 10,756	\$ 11,026
80M	Fire Marshal	\$ 9,051	\$ 9,275	\$ 9,507	\$ 9,745	\$ 9,988	\$ 10,239	\$ 10,494	\$ 10,756	\$ 11,026	\$ 11,301
81M		\$ 9,275	\$ 9,507	\$ 9,745	\$ 9,988	\$ 10,239	\$ 10,494	\$ 10,756	\$ 11,026	\$ 11,301	\$ 11,585

**EXHIBIT "A"**  
**CITY OF ARCADIA MONTHLY SALARY RANGE**  
**JULY 1, 2022 - JUNE 30, 2023**  
**MANAGEMENT - 3.0% COLA**

Range Number	Title	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
82M	Building Official Economic Development Manager	\$ 9,507	\$ 9,745	\$ 9,988	\$ 10,239	\$ 10,494	\$ 10,756	\$ 11,026	\$ 11,301	\$ 11,585	\$ 11,873
83M		\$ 9,745	\$ 9,988	\$ 10,239	\$ 10,494	\$ 10,756	\$ 11,026	\$ 11,301	\$ 11,585	\$ 11,873	\$ 12,172
84M		\$ 9,988	\$ 10,239	\$ 10,494	\$ 10,756	\$ 11,026	\$ 11,301	\$ 11,585	\$ 11,873	\$ 12,172	\$ 12,475
85M		\$ 10,239	\$ 10,494	\$ 10,756	\$ 11,026	\$ 11,301	\$ 11,585	\$ 11,873	\$ 12,172	\$ 12,475	\$ 12,788
86M	Financial Services Manager/Treasurer Human Resources Administrator	\$ 10,494	\$ 10,756	\$ 11,026	\$ 11,301	\$ 11,585	\$ 11,873	\$ 12,172	\$ 12,475	\$ 12,788	\$ 13,106
87M	Deputy City Manager Deputy Public Works Services Director Planning and Community Development Administrator	\$ 10,756	\$ 11,026	\$ 11,301	\$ 11,585	\$ 11,873	\$ 12,172	\$ 12,475	\$ 12,788	\$ 13,106	\$ 13,432
88M		\$ 11,026	\$ 11,301	\$ 11,585	\$ 11,873	\$ 12,172	\$ 12,475	\$ 12,788	\$ 13,106	\$ 13,432	\$ 13,766
89M		\$ 11,301	\$ 11,585	\$ 11,873	\$ 12,172	\$ 12,475	\$ 12,788	\$ 13,106	\$ 13,432	\$ 13,766	\$ 14,113
90M		\$ 11,585	\$ 11,873	\$ 12,172	\$ 12,475	\$ 12,788	\$ 13,106	\$ 13,432	\$ 13,766	\$ 14,113	\$ 14,465
91M	Deputy Director of Development Services/City Engineer	\$ 11,873	\$ 12,172	\$ 12,475	\$ 12,788	\$ 13,106	\$ 13,432	\$ 13,766	\$ 14,113	\$ 14,465	\$ 14,828

**EXHIBIT "A"**  
**CITY OF ARCADIA MONTHLY SALARY RANGE**  
**JULY 1, 2023 - JUNE 30, 2024**  
**MANAGEMENT - 4.0% COLA**

Range Number	Title	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
58M	Management Aide	\$ 5,465	\$ 5,604	\$ 5,743	\$ 5,886	\$ 6,035	\$ 6,183	\$ 6,343	\$ 6,496	\$ 6,657	\$ 6,826
59M	Buyer	\$ 5,604	\$ 5,743	\$ 5,886	\$ 6,035	\$ 6,183	\$ 6,343	\$ 6,496	\$ 6,657	\$ 6,826	\$ 6,997
60M		\$ 5,743	\$ 5,886	\$ 6,035	\$ 6,183	\$ 6,343	\$ 6,496	\$ 6,657	\$ 6,826	\$ 6,997	\$ 7,171
61M		\$ 5,886	\$ 6,035	\$ 6,183	\$ 6,343	\$ 6,496	\$ 6,657	\$ 6,826	\$ 6,997	\$ 7,171	\$ 7,353
62M		\$ 6,035	\$ 6,183	\$ 6,343	\$ 6,496	\$ 6,657	\$ 6,826	\$ 6,997	\$ 7,171	\$ 7,353	\$ 7,535
63M	Accountant Recreation Supervisor	\$ 6,183	\$ 6,343	\$ 6,496	\$ 6,657	\$ 6,826	\$ 6,997	\$ 7,171	\$ 7,353	\$ 7,535	\$ 7,723
64M	Purchasing Officer	\$ 6,343	\$ 6,496	\$ 6,657	\$ 6,826	\$ 6,997	\$ 7,171	\$ 7,353	\$ 7,535	\$ 7,723	\$ 7,915
65M		\$ 6,496	\$ 6,657	\$ 6,826	\$ 6,997	\$ 7,171	\$ 7,353	\$ 7,535	\$ 7,723	\$ 7,915	\$ 8,114
66M		\$ 6,657	\$ 6,826	\$ 6,997	\$ 7,171	\$ 7,353	\$ 7,535	\$ 7,723	\$ 7,915	\$ 8,114	\$ 8,317
67M	Human Resources Analyst	\$ 6,826	\$ 6,997	\$ 7,171	\$ 7,353	\$ 7,535	\$ 7,723	\$ 7,915	\$ 8,114	\$ 8,317	\$ 8,526
68M	Crime Analyst/Investigative Support Specialist Management Analyst	\$ 6,997	\$ 7,171	\$ 7,353	\$ 7,535	\$ 7,723	\$ 7,915	\$ 8,114	\$ 8,317	\$ 8,526	\$ 8,740
69M	Senior Accountant	\$ 7,171	\$ 7,353	\$ 7,535	\$ 7,723	\$ 7,915	\$ 8,114	\$ 8,317	\$ 8,526	\$ 8,740	\$ 8,956
70M		\$ 7,353	\$ 7,535	\$ 7,723	\$ 7,915	\$ 8,114	\$ 8,317	\$ 8,526	\$ 8,740	\$ 8,956	\$ 9,181
71M		\$ 7,535	\$ 7,723	\$ 7,915	\$ 8,114	\$ 8,317	\$ 8,526	\$ 8,740	\$ 8,956	\$ 9,181	\$ 9,413
72M	Environmental Services Manager Police Records Manager Senior Human Resources Analyst Senior Management Analyst Transportation Services Manager	\$ 7,723	\$ 7,915	\$ 8,114	\$ 8,317	\$ 8,526	\$ 8,740	\$ 8,956	\$ 9,181	\$ 9,413	\$ 9,646
73M		\$ 7,915	\$ 8,114	\$ 8,317	\$ 8,526	\$ 8,740	\$ 8,956	\$ 9,181	\$ 9,413	\$ 9,646	\$ 9,887
74M		\$ 8,114	\$ 8,317	\$ 8,526	\$ 8,740	\$ 8,956	\$ 9,181	\$ 9,413	\$ 9,646	\$ 9,887	\$ 10,135
75M	Accounting Supervisor	\$ 8,317	\$ 8,526	\$ 8,740	\$ 8,956	\$ 9,181	\$ 9,413	\$ 9,646	\$ 9,887	\$ 10,135	\$ 10,388
76M		\$ 8,526	\$ 8,740	\$ 8,956	\$ 9,181	\$ 9,413	\$ 9,646	\$ 9,887	\$ 10,135	\$ 10,388	\$ 10,649
77M		\$ 8,740	\$ 8,956	\$ 9,181	\$ 9,413	\$ 9,646	\$ 9,887	\$ 10,135	\$ 10,388	\$ 10,649	\$ 10,914
78M	Assistant to the City Manager Assistant Director of Recreation and Community Services General Services Superintendent Library Services Manager Planning Services Manager Streets Superintendent Utilities Superintendent	\$ 8,956	\$ 9,181	\$ 9,413	\$ 9,646	\$ 9,887	\$ 10,135	\$ 10,388	\$ 10,649	\$ 10,914	\$ 11,186
79M	Information Technology Manager Principal Civil Engineer	\$ 9,181	\$ 9,413	\$ 9,646	\$ 9,887	\$ 10,135	\$ 10,388	\$ 10,649	\$ 10,914	\$ 11,186	\$ 11,467
80M	Fire Marshal	\$ 9,413	\$ 9,646	\$ 9,887	\$ 10,135	\$ 10,388	\$ 10,649	\$ 10,914	\$ 11,186	\$ 11,467	\$ 11,753
81M		\$ 9,646	\$ 9,887	\$ 10,135	\$ 10,388	\$ 10,649	\$ 10,914	\$ 11,186	\$ 11,467	\$ 11,753	\$ 12,048

**EXHIBIT "A"**  
**CITY OF ARCADIA MONTHLY SALARY RANGE**  
**JULY 1, 2023 - JUNE 30, 2024**  
**MANAGEMENT - 4.0% COLA**

Range Number	Title	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
82M	Building Official Economic Development Manager	\$ 9,887	\$ 10,135	\$ 10,388	\$ 10,649	\$ 10,914	\$ 11,186	\$ 11,467	\$ 11,753	\$ 12,048	\$ 12,348
83M		\$ 10,135	\$ 10,388	\$ 10,649	\$ 10,914	\$ 11,186	\$ 11,467	\$ 11,753	\$ 12,048	\$ 12,348	\$ 12,659
84M		\$ 10,388	\$ 10,649	\$ 10,914	\$ 11,186	\$ 11,467	\$ 11,753	\$ 12,048	\$ 12,348	\$ 12,659	\$ 12,974
85M		\$ 10,649	\$ 10,914	\$ 11,186	\$ 11,467	\$ 11,753	\$ 12,048	\$ 12,348	\$ 12,659	\$ 12,974	\$ 13,300
86M	Financial Services Manager/Treasurer Human Resources Administrator	\$ 10,914	\$ 11,186	\$ 11,467	\$ 11,753	\$ 12,048	\$ 12,348	\$ 12,659	\$ 12,974	\$ 13,300	\$ 13,630
87M	Deputy City Manager Deputy Public Works Services Director Planning and Community Development Administrator	\$ 11,186	\$ 11,467	\$ 11,753	\$ 12,048	\$ 12,348	\$ 12,659	\$ 12,974	\$ 13,300	\$ 13,630	\$ 13,969
88M		\$ 11,467	\$ 11,753	\$ 12,048	\$ 12,348	\$ 12,659	\$ 12,974	\$ 13,300	\$ 13,630	\$ 13,969	\$ 14,317
89M		\$ 11,753	\$ 12,048	\$ 12,348	\$ 12,659	\$ 12,974	\$ 13,300	\$ 13,630	\$ 13,969	\$ 14,317	\$ 14,678
90M		\$ 12,048	\$ 12,348	\$ 12,659	\$ 12,974	\$ 13,300	\$ 13,630	\$ 13,969	\$ 14,317	\$ 14,678	\$ 15,044
91M	Deputy Director of Development Services/City Engineer	\$ 12,348	\$ 12,659	\$ 12,974	\$ 13,300	\$ 13,630	\$ 13,969	\$ 14,317	\$ 14,678	\$ 15,044	\$ 15,421

**EXHIBIT "A"**  
**CITY OF ARCADIA MONTHLY SALARY RANGE**  
**JULY 1, 2021 - JUNE 30, 2022**  
**Safety Management - 3.0% COLA**

Range Number	Title	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
910	Police Lieutenant	\$ 11,530	\$ 11,818	\$ 12,113	\$ 12,416	\$ 12,728	\$ 13,043	\$ 13,370	\$ 13,704	\$ 14,049	\$ 14,398
920	Fire Battalion Chief	\$ 11,818	\$ 12,113	\$ 12,416	\$ 12,728	\$ 13,043	\$ 13,370	\$ 13,704	\$ 14,049	\$ 14,398	\$ 14,758
930		\$ 12,113	\$ 12,416	\$ 12,728	\$ 13,043	\$ 13,370	\$ 13,704	\$ 14,049	\$ 14,398	\$ 14,758	\$ 15,128
940		\$ 12,416	\$ 12,728	\$ 13,043	\$ 13,370	\$ 13,704	\$ 14,049	\$ 14,398	\$ 14,758	\$ 15,128	\$ 15,505
950		\$ 12,728	\$ 13,043	\$ 13,370	\$ 13,704	\$ 14,049	\$ 14,398	\$ 14,758	\$ 15,128	\$ 15,505	\$ 15,895
960	Deputy Fire Chief Police Captain	\$ 13,043	\$ 13,370	\$ 13,704	\$ 14,049	\$ 14,398	\$ 14,758	\$ 15,128	\$ 15,505	\$ 15,895	\$ 16,292

**EXHIBIT "A"**  
**CITY OF ARCADIA MONTHLY SALARY RANGE**  
**JULY 1, 2022 - JUNE 30, 2023**  
**Safety Management - 4.0% COLA**

Range Number	Title	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
910	Police Lieutenant	\$ 11,992	\$ 12,291	\$ 12,598	\$ 12,913	\$ 13,237	\$ 13,565	\$ 13,905	\$ 14,252	\$ 14,611	\$ 14,974
920	Fire Battalion Chief	\$ 12,291	\$ 12,598	\$ 12,913	\$ 13,237	\$ 13,565	\$ 13,905	\$ 14,252	\$ 14,611	\$ 14,974	\$ 15,348
930		\$ 12,598	\$ 12,913	\$ 13,237	\$ 13,565	\$ 13,905	\$ 14,252	\$ 14,611	\$ 14,974	\$ 15,348	\$ 15,733
940		\$ 12,913	\$ 13,237	\$ 13,565	\$ 13,905	\$ 14,252	\$ 14,611	\$ 14,974	\$ 15,348	\$ 15,733	\$ 16,125
950		\$ 13,237	\$ 13,565	\$ 13,905	\$ 14,252	\$ 14,611	\$ 14,974	\$ 15,348	\$ 15,733	\$ 16,125	\$ 16,530
960	Deputy Fire Chief Police Captain	\$ 13,565	\$ 13,905	\$ 14,252	\$ 14,611	\$ 14,974	\$ 15,348	\$ 15,733	\$ 16,125	\$ 16,530	\$ 16,943

**EXHIBIT "A"**  
**CITY OF ARCADIA MONTHLY SALARY RANGE**  
**JULY 1, 2023 - JUNE 30, 2024**  
**Safety Management - 5.0% COLA**

Range Number	Title	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
910	Police Lieutenant	\$ 12,591	\$ 12,905	\$ 13,228	\$ 13,558	\$ 13,899	\$ 14,243	\$ 14,600	\$ 14,965	\$ 15,341	\$ 15,723
920	Fire Battalion Chief	\$ 12,905	\$ 13,228	\$ 13,558	\$ 13,899	\$ 14,243	\$ 14,600	\$ 14,965	\$ 15,341	\$ 15,723	\$ 16,115
930		\$ 13,228	\$ 13,558	\$ 13,899	\$ 14,243	\$ 14,600	\$ 14,965	\$ 15,341	\$ 15,723	\$ 16,115	\$ 16,519
940		\$ 13,558	\$ 13,899	\$ 14,243	\$ 14,600	\$ 14,965	\$ 15,341	\$ 15,723	\$ 16,115	\$ 16,519	\$ 16,931
950		\$ 13,899	\$ 14,243	\$ 14,600	\$ 14,965	\$ 15,341	\$ 15,723	\$ 16,115	\$ 16,519	\$ 16,931	\$ 17,357
960	Deputy Fire Chief Police Captain	\$ 14,243	\$ 14,600	\$ 14,965	\$ 15,341	\$ 15,723	\$ 16,115	\$ 16,519	\$ 16,931	\$ 17,357	\$ 17,790

**EXHIBIT "A"**  
**CITY OF ARCADIA MONTHLY SALARY RANGE**  
**JULY 1, 2021 - JUNE 30, 2022**  
**UNREPRESENTED - 3.0% COLA**

Range Number	Title	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
56U	Human Resources Technician	\$ 4,724	\$ 4,843	\$ 4,966	\$ 5,087	\$ 5,216	\$ 5,345	\$ 5,481	\$ 5,615	\$ 5,756	\$ 5,899
57U		\$ 4,843	\$ 4,966	\$ 5,087	\$ 5,216	\$ 5,345	\$ 5,481	\$ 5,615	\$ 5,756	\$ 5,899	\$ 6,047
58U		\$ 4,966	\$ 5,087	\$ 5,216	\$ 5,345	\$ 5,481	\$ 5,615	\$ 5,756	\$ 5,899	\$ 6,047	\$ 6,199
59U		\$ 5,087	\$ 5,216	\$ 5,345	\$ 5,481	\$ 5,615	\$ 5,756	\$ 5,899	\$ 6,047	\$ 6,199	\$ 6,354
60U	Executive Assistant	\$ 5,216	\$ 5,345	\$ 5,481	\$ 5,615	\$ 5,756	\$ 5,899	\$ 6,047	\$ 6,199	\$ 6,354	\$ 6,513



**EXHIBIT "A"**  
**CITY OF ARCADIA MONTHLY SALARY RANGE**  
**JULY 1, 2022 - JUNE 30, 2023**  
**UNREPRESENTED - 3.0% COLA**

Range Number	Title	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
56U	Human Resources Technician	\$ 4,865	\$ 4,989	\$ 5,115	\$ 5,240	\$ 5,373	\$ 5,506	\$ 5,645	\$ 5,784	\$ 5,929	\$ 6,076
57U		\$ 4,989	\$ 5,115	\$ 5,240	\$ 5,373	\$ 5,506	\$ 5,645	\$ 5,784	\$ 5,929	\$ 6,076	\$ 6,229
58U		\$ 5,115	\$ 5,240	\$ 5,373	\$ 5,506	\$ 5,645	\$ 5,784	\$ 5,929	\$ 6,076	\$ 6,229	\$ 6,385
59U		\$ 5,240	\$ 5,373	\$ 5,506	\$ 5,645	\$ 5,784	\$ 5,929	\$ 6,076	\$ 6,229	\$ 6,385	\$ 6,545
60U	Executive Assistant	\$ 5,373	\$ 5,506	\$ 5,645	\$ 5,784	\$ 5,929	\$ 6,076	\$ 6,229	\$ 6,385	\$ 6,545	\$ 6,708

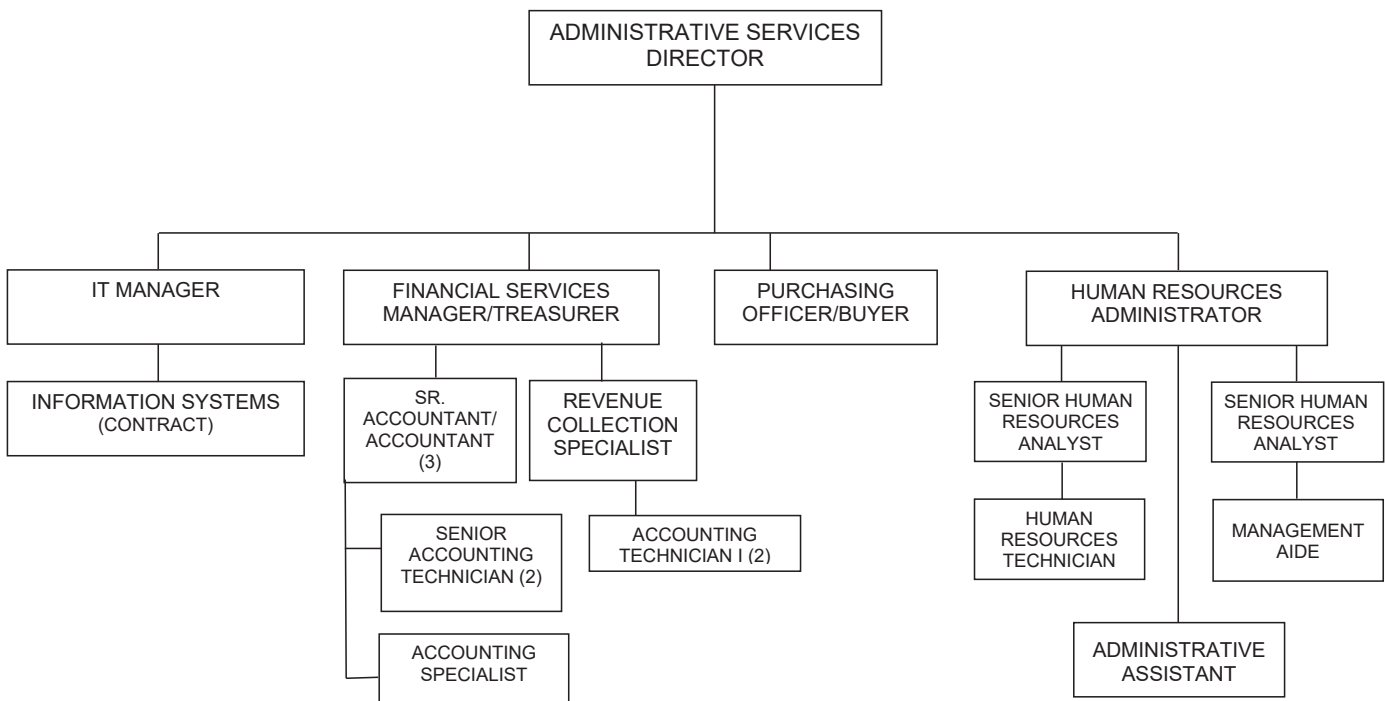
**EXHIBIT "A"**  
**CITY OF ARCADIA MONTHLY SALARY RANGE**  
**JULY 1, 2023 - JUNE 30, 2024**  
**UNREPRESENTED - 4.0% COLA**

Range Number	Title	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J
56U	Human Resources Technician	\$ 5,060	\$ 5,188	\$ 5,320	\$ 5,449	\$ 5,588	\$ 5,726	\$ 5,871	\$ 6,015	\$ 6,166	\$ 6,319
57U		\$ 5,188	\$ 5,320	\$ 5,449	\$ 5,588	\$ 5,726	\$ 5,871	\$ 6,015	\$ 6,166	\$ 6,319	\$ 6,478
58U		\$ 5,320	\$ 5,449	\$ 5,588	\$ 5,726	\$ 5,871	\$ 6,015	\$ 6,166	\$ 6,319	\$ 6,478	\$ 6,640
59U		\$ 5,449	\$ 5,588	\$ 5,726	\$ 5,871	\$ 6,015	\$ 6,166	\$ 6,319	\$ 6,478	\$ 6,640	\$ 6,806
60U	Executive Assistant	\$ 5,588	\$ 5,726	\$ 5,871	\$ 6,015	\$ 6,166	\$ 6,319	\$ 6,478	\$ 6,640	\$ 6,806	\$ 6,976

Attachment "B"

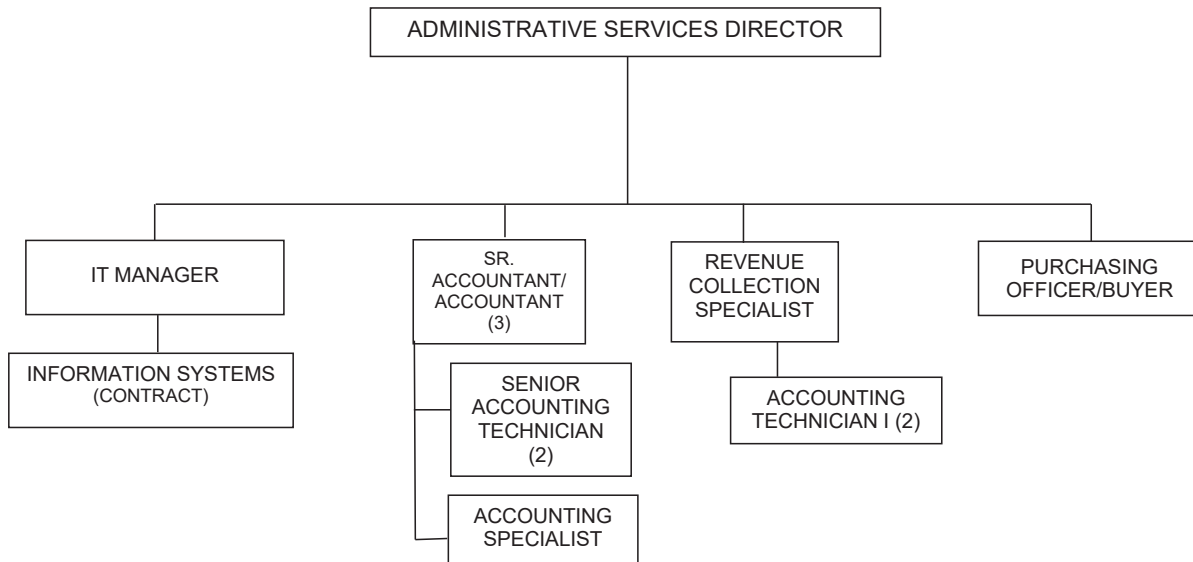
\* CURRENT \*

# ADMINISTRATIVE SERVICES DEPARTMENT



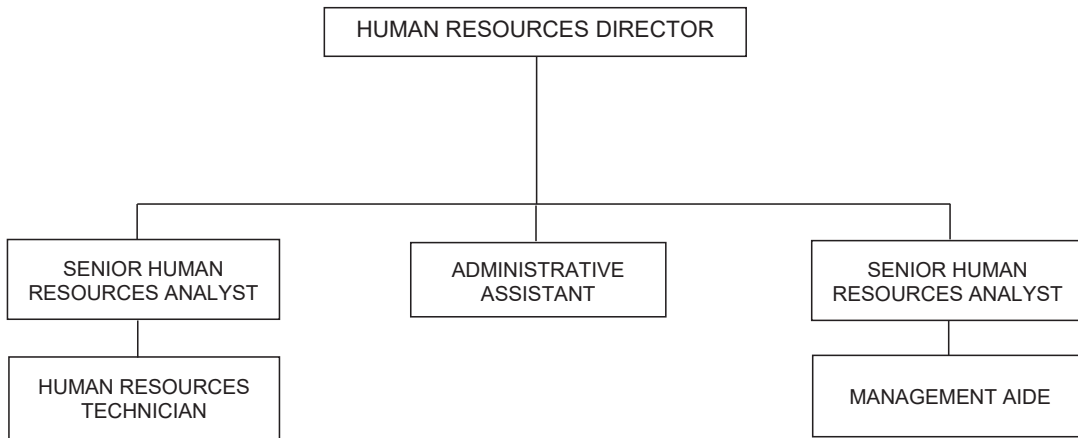
**\* PROPOSED \***

# ADMINISTRATIVE SERVICES DEPARTMENT



**\* PROPOSED \***

# HUMAN RESOURCES DEPARTMENT



**CITY OF ARCADIA**

**HUMAN RESOURCES DIRECTOR**

**DEFINITION**

Under general administrative direction, to plan, direct, manage, and oversee the activities and operations of the Human Resources Department including recruitment and selection, employee benefits administration and engagement, training and development, safety, liability and risk management, Workers' Compensation, employee and labor relations, classification and compensation, leave management and other related program areas; to coordinate assigned activities with other City departments and outside agencies; and to provide highly responsible and complex administrative support to the City Manager.

**SUPERVISION EXERCISED**

Exercises direct supervision over management, supervisory, and clerical staff.

**EXAMPLES OF IMPORTANT AND ESSENTIAL DUTIES**

Assume full management responsibility for all Human Resources Department services and activities including recruitment and selection, employee benefits administration and engagement, training and development, safety, liability and risk management, Workers' Compensation, employee and labor relations, classification and compensation, leave management, and other related program areas.

Provide high level support to the Chief Negotiator in establishing the general direction and tone of the City's employer-employee relations efforts; as needed, plan, prepare, and represent the City in employer-employee relations matters including impasse resolution and grievance administration, and implement and administer labor contracts.

Manage the development and implementation of Human Resources Department goals, objectives, policies, and priorities for each assigned service area; establish, within City policy, appropriate service and staffing levels; allocate resources accordingly.

Continuously monitor and evaluate the efficiency and effectiveness of service delivery methods and procedures; assess and monitor workload, administrative and support systems, and internal reporting relationships; identify opportunities for improvement; direct the implementation of changes.

Represent the Human Resources Department to other City departments, elected officials and outside agencies; explain and interpret Human Resources Department programs, policies, and activities; negotiate and resolve sensitive, significant, and controversial issues.

Select, train, motivate, and evaluate Human Resources Department personnel; provide or coordinate

staff training; work with employees to correct deficiencies; implement discipline and termination procedures.

Plan, direct, and coordinate the Human Resources Department's work plan; meet with management staff to identify and resolve problems; assign projects and programmatic areas of responsibility; review and evaluate work methods and procedures.

Manage and participate in the development and administration of the Human Resources Department's budget.

Coordinate Human Resources Department activities with those of other departments and outside agencies and organizations.

Advise and provide staff assistance to the City Manager, City Council, and City staff regarding Human Resources or related issues; prepare and present staff reports and other necessary correspondence.

Conduct a variety of organizational studies, investigations, and operational studies; recommend modifications to Human Resources programs, policies, and procedures as appropriate.

Audit and approve Human Resources purchase orders, bills, invoices, and related charges.

Attend and ensure coordination of Human Resources Commission meetings; attend and participate in professional group meetings; stay abreast of new trends and innovations in the field of administrative services programs.

Respond to and resolve difficult and sensitive inquiries and complaints.

### **OTHER JOB RELATED DUTIES**

Perform related duties and responsibilities as assigned.

### **JOB RELATED AND ESSENTIAL QUALIFICATIONS**

#### **Knowledge of:**

Operational characteristics, services, and activities of a comprehensive Human Resources program, to include risk management.

Pertinent Federal, State, and local laws, codes, and regulations pertaining to employment and labor, safety, benefit programs, insurance programs, liability, Workers' Compensation, retirement, FEHA, ADA, EEO, FMLA/CFRA/PDL, and other related program areas.

Organization and management practices as applied to the analysis and evaluation of Human Resources programs, policies, and operational needs.

Principles and practices of Human Resources administration, including compliance, research, employer-employee relations, program administration, classification and compensation, training, risk management.

Information sources and research techniques related to the fields of public administration, human resources, risk management, budget preparation.

Principles of supervision, training, and performance evaluation.

Safe driving principles and practices.

**Skill to:**

Operate office equipment including computer equipment and software.

Operate a motor vehicle safely.

**Ability to:**

Provide administrative and professional leadership and direction for the Human Resources Department.

Develop, implement, and administer goals, objectives, and procedures for providing effective and efficient Human Resources and Risk Management services.

Plan, organize, direct, and coordinate the work of management, supervisory, professional, technical, and clerical staff; delegate authority and responsibility.

Select, supervise, train, and evaluate staff.

Identify and respond to community and City Council issues, concerns, and needs.

Analyze problems, identify alternative solutions, project consequences of proposed actions, and implement recommendations in support of goals.

Research, analyze, and evaluate new service delivery methods, procedures, and techniques.

Prepare and administer the Department budget; allocate limited resources in a cost-effective manner.

Prepare clear and concise administrative reports.



Interpret and apply the policies, procedures, laws, codes, and regulations pertaining to assigned programs and functions.

Communicate clearly and concisely, both orally and in writing.

Establish, maintain, and foster positive and harmonious working relationships with those contacted in the course of work.

**Minimum Qualifications:**

Any combination of education and/or experience that provides the required knowledge, skills, and abilities to perform the essential job duties of the position is qualifying. The incumbent will possess the most desirable combination of training, skills, and experience, as demonstrated in past and current employment history. A typical example includes:

**Experience:**

Six years of progressively responsible experience in Human Resources administration, labor relations, benefit administration, and risk management, including at least three years of management experience.

**Training:**

Equivalent to a Bachelor's degree from an accredited college or university in Human Resources, Business, Public Administration, or a closely related field. A Master's degree in Public or Business Administration is desirable.

**License or Certificate:**

Possession of, or ability to obtain, an appropriate, valid driver's license.

**Special Requirements:**

*Essential duties require the following physical skills and work environment:*

Ability to work in a standard office environment; ability to travel to different sites and locations.

**Effective Date:** December 2023

**CITY OF ARCADIA**

**ADMINISTRATIVE SERVICES DIRECTOR**

**DEFINITION**

Under general administrative direction, to plan, direct, manage, and oversee the activities and operations of the Administrative Services Department including Finance, Treasury, Accounting, Billing, Purchasing, and Information Systems; to coordinate assigned activities with other City departments and outside agencies; and to provide highly responsible and complex administrative support to the City Manager.

**SUPERVISION EXERCISED**

Exercises direct supervision over management, supervisory, professional, technical, and clerical staff.

**EXAMPLES OF IMPORTANT AND ESSENTIAL DUTIES**

Assume full management responsibility for all Administrative Services Department services and activities including Finance, Treasury, Accounting, Billing, Purchasing, and Information Systems.

Manage the development and implementation of Administrative Services Department goals, objectives, policies, and priorities for each assigned service area; establish, within City policy, appropriate service and staffing levels; allocate resources accordingly.

Continuously monitor and evaluate the efficiency and effectiveness of service delivery methods and procedures; assess and monitor workload, administrative and support systems, and internal reporting relationships; identify opportunities for improvement; direct the implementation of changes.

Represent the Administrative Services Department to other City departments, elected officials, and outside agencies; explain and interpret Administrative Services Department programs, policies, and activities; negotiate and resolve sensitive, significant, and controversial issues.

Select, train, motivate, and evaluate Administrative Services Department personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.

Plan, direct, and coordinate the Administrative Services Department's work plan; meet with management staff to identify and resolve problems; assign projects and programmatic areas of responsibility; review and evaluate work methods and procedures.

**EXAMPLES OF IMPORTANT AND ESSENTIAL DUTIES**

Manage and participate in the development and administration of the Administrative Services Department and City budgets; direct the forecast of additional funds needed for staffing, equipment, materials, and supplies; direct the monitoring of and approve expenditures; direct the preparation of and implement budgetary adjustments as necessary.

Coordinate Administrative Services Department activities with those of other departments and outside agencies and organizations.

Provide staff assistance to the City Manager and City Council; prepare and present staff reports and other necessary correspondence.

Conduct a variety of organizational studies, investigations, and operational studies; recommend modifications to Administrative Services programs, policies, and procedures as appropriate.

Maintain an effective, accurate financial system.

Direct the disbursement of City funds and control expenditures to ensure that budget appropriations are not exceeded.

Audit and approve all purchase orders, bills, invoices, and charges against the City.

Direct the collection, receipt, and deposit of all monies payable to the City.

Direct the preparation of monthly statements of all City receipts and disbursements to show financial condition of the City.

Prepare financial statements as prescribed by law.

Participate on a variety of boards and commissions, as needed; attend and participate in professional group meetings; stay abreast of new trends and innovations in the field of administrative services programs.

Respond to and resolve difficult and sensitive inquiries and complaints.

**OTHER JOB RELATED DUTIES**

Perform related duties and responsibilities as assigned.

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**JOB RELATED AND ESSENTIAL QUALIFICATIONS**

**Knowledge of:**

Operational characteristics, services, and activities of a comprehensive Administrative Services program.

Pertinent Federal, State, and local laws, codes, and regulations pertaining to financial reporting, accounting, investing, payroll, purchasing, and personnel.

Organization and management practices as applied to the analysis and evaluation of Administrative Services programs, policies, and operational needs.

Modern and complex principles and practices of Administrative Services program development and administration.

Principles and practices of accounting, financial reporting, audit, and bond financing.

Information sources and research techniques in the fields of public administration, financial planning, accounting, annual budget, capital budget, and annual audit preparation and procedures.

Advanced principles and practices of municipal budget preparation and administration.

Principles of supervision, training, and performance evaluation.

Safe driving principles and practices.

**Skill to:**

Operate office equipment including computer equipment and software.

Operate a motor vehicle safely.

**Ability to:**

Provide administrative and professional leadership and direction for the Administrative Services Department.

Develop, implement, and administer goals, objectives, and procedures for providing effective and efficient Administrative Services.

Plan, organize, direct, and coordinate the work of management, supervisory, professional, technical, and clerical personnel; delegate authority and responsibility.

Select, supervise, train, and evaluate staff.

Identify and respond to community and City Council issues, concerns, and needs.

Analyze problems, identify alternative solutions, project consequences of proposed actions, and implement recommendations in support of goals.

Research, analyze, and evaluate new service delivery methods, procedures, and techniques.

Prepare and administer large and complex budgets; allocate limited resources in a cost-effective manner.

Prepare clear and concise administrative and financial reports.

Interpret and apply the policies, procedures, laws, codes, and regulations pertaining to assigned programs and functions.

Communicate clearly and concisely, both orally and in writing.

Establish, maintain, and foster positive and harmonious working relationships with those contacted in the course of work.

**Minimum Qualifications:**

Any combination of education and/or experience that provides the required knowledge, skills, and abilities to perform the essential job duties of the position is qualifying. The incumbent will possess the most desirable combination of training, skills, and experience, as demonstrated in past and current employment history. A typical example includes:

**Experience:**

Seven years of responsible accounting experience including five years of management and supervisory experience.

**Training:**

Equivalent to a Bachelor's degree from an accredited college or university with major course work in accounting or a related field. A Master's degree is desirable.

**License or Certificate:**

Possession of, or ability to obtain, an appropriate, valid driver's license.

**Special Requirements:**

*Essential duties require the following physical skills and work environment:*

Ability to work in a standard office environment; ability to travel to different sites and locations.

**Effective Date:** January 1999

**Revised Date:** December 2023



# STAFF REPORT

Public Works Services Department

**DATE:** December 19, 2023

**TO:** Honorable Mayor and City Council

**FROM:** Paul Cranmer, Public Works Services Director  
By: Carlos Aguilar, General Services Superintendent

**SUBJECT:** CONTRACT WITH R&R ROOFING & WATERPROOFING, INC. FOR THE REROOF AT VARIOUS CITY FACILITIES PROJECT IN THE AMOUNT OF \$846,440, WITH A 10% CONTINGENCY  
**CEQA: Exempt**  
**Recommendation: Approve**

## **SUMMARY**

The Fiscal Year 2023-24 Capital Improvement Program (“CIP”) provides for a roof restoration at the Police Department and roof replacements at the Chamber of Commerce, City Council Chambers, and Community Center. To ensure the City is receiving the most competitive pricing for roof restoration and replacement services, the Public Works Services Department (“PWSD”) conducted a formal bid. R&R Roofing & Waterproofing, Inc. submitted the lowest responsive bid.

It is recommended that the City Council approve, authorize, and direct the City Manager to execute a contract with R&R Roofing & Waterproofing, Inc. for the Reroof at Various City Facilities Project in the amount of \$846,440, with a 10% contingency.

## **BACKGROUND**

The Fiscal Year 2023-24 CIP provides for the reroofing of the Chamber of Commerce, City Council Chambers, and Community Center buildings as well as a roof restoration at the Police Department. This work was budgeted in prior fiscal years but was ultimately put on hold due to substantial industry price increases in materials and labor. These projects were re-programmed as part of the Fiscal Year 2023-24 Capital Improvement Program.

### **Chamber of Commerce**

The current wood shake roof system at the Chamber of Commerce is 54 years old and has never been replaced; it requires a full roof replacement. The shingles are brittle and starting to deteriorate, creating a higher fire risk for the building. The existing wood shingles will be replaced with an approved polymer wood shingle style covering.

### **City Council Chambers**

The monolithic roofing system at the City Council Chambers has started to break down and deteriorate due to years of sun exposure and environmental conditions. The existing roofing material is becoming brittle and is currently experiencing blisters, mole runs, splits, and tears, which will lead to cracks and leaks. A reroof of the City Council Chambers is required to address the poor condition of the existing roof. The roof replacement will include an asphalt primer coating, with a topcoat that will offer more protection and help lower interior temperatures by reducing heat absorption.

### **Community Center**

The Community Center is over 25 years old and the roof has begun to deteriorate and fail. The existing top layer roof cap sheet has begun to bubble and develop mole runs, which has resulted in cracking, seam separation, and leaks. Additionally, the base flashings and cap sheets are starting to pull away from the parapet walls, creating open gaps for water to infiltrate the building. The entire flat roof will be replaced, and tile areas will be repaired, as needed, to provide a leak-free roof system.

### **Police Department**

The main roof at the Police Department is over 20 years old and has numerous leaks and is in poor condition. There are cracks around the pipes and vent protrusions, which have allowed water to seep into the building during the rainy season. The existing roof has also lost much of its protective granules in certain areas. A roof restoration is needed to prevent these issues from worsening and leading to more building damage.

The roof replacement and restoration project will be performed by a licensed roofing contractor using materials that are purchased and supplied by the City. This construction method will reduce the total project cost by eliminating a material price markup from the contractor. On November 7, 2023, the City Council approved a purchase order with The Garland Company, Inc. for the purchase of roofing materials in the amount \$142,709.94.

## **DISCUSSION**

A Notice Inviting Bids was published in accordance with City Council Resolution No. 7483, and bid packages were distributed to contractors that perform roof restoration and replacement services. On November 21, 2023, the City Clerk received six bids with the following results:

<b>Rank</b>	<b>Bidder</b>	<b>Location</b>	<b>Base Bid</b>
1.	R&R Roofing & Waterproofing, Inc.	Lake Elsinore, CA	\$ 814,200
2.	Western States Roofing, Inc.	Northridge, CA	\$ 838,000
3.	Best Contracting Services, Inc.	Gardena, CA	\$ 942,946
4.	Chapman Coast Roof Co., Inc.	Fullerton, CA	\$ 971,482
5.	Commercial Roofing Systems, Inc.	Arcadia, CA	\$ 1,152,005
6.	F.C. and Sons Roofing, Inc.	Bell Gardens, CA	\$ 1,216,593



The bid documents were reviewed for content and the contractors' background and recent projects were investigated for competency. R&R Roofing & Waterproofing, Inc. was determined to be the lowest responsive bidder that can provide roof restoration and replacement services. R&R Roofing & Waterproofing, Inc. has successfully provided similar re-roofing services for several municipal agencies and school districts in the Southern California region, including the City of Compton and the University of Redlands.

The bid documents included a request for pricing for the Police Department roof restoration work as an alternate bid item. This work was included as a bid alternate, and not in the base bid, due to pricing concerns that might have led to bids coming in over the project's budget. Fortunately, the bids received were much lower than expected and all were under budget. R&R Roofing & Waterproofing, Inc.'s cost for the Police Department roof restoration is \$32,240. The total labor cost is \$846,440, which includes the base bid of \$814,200 and the bid alternate item of \$32,240. Per the contract documents, the City shall award the contract to the lowest responsible Bidder as determined by the City.

### **ENVIRONMENTAL ANALYSIS**

This project is considered a Class 1 exemption as defined in Section 15301(d) "Existing Facilities" projects of the California Environmental Quality Act ("CEQA"), which exempts projects consisting of the repair and maintenance of existing public structures.

### **FISCAL IMPACT**

Funds in the amount of \$1,500,000 for both labor and materials have been budgeted in the Fiscal Year 2023-24 CIP for the Reroof of Various City Facilities Project. The labor cost for this project is \$846,440, including the alternate bid item and the cost for roofing materials, which is being purchased under a separate contract for \$142,709.94. The total project cost is \$989,149.94 plus a 10% contingency, bringing the total project budget to \$1,073,793.94. Therefore, sufficient funds exist for this work.

### **RECOMMENDATION**

It is recommended that the City Council determine that this project is exempt per Section 15301(d) of the California Environmental Quality Act ("CEQA"); and approve, authorize, and direct the City Manager to execute a contract with R&R Roofing & Waterproofing, Inc. for the Reroof at Various City Facilities Project in the amount of \$846,440, with a 10% contingency.

Approved:

  
Dominic Lazzaretto  
City Manager

**CITY OF ARCADIA**

**REROOF AT VARIOUS CITY FACILITIES PROJECT**

**CONTRACT**

**BETWEEN  
CITY OF ARCADIA  
AND  
R & R ROOFING & WATERPROOFING, INC.**

**CONTRACT FOR THE  
CITY OF ARCADIA**

This CONTRACT, No. \_\_\_\_\_ is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2024, by and between City of Arcadia, sometimes hereinafter called "City," and **R & R Roofing & Waterproofing, Inc.**, sometimes hereinafter called "Contractor."

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

**A. SCOPE OF WORK.** The Contractor shall perform all Work within the time stipulated in the Contract, and shall provide all labor, materials, equipment, tools, utility services, and transportation to complete all of the Work required in strict compliance with the Contract Documents as specified in Article 5, below, for the following Project:

**Reroof at Various City Facilities Project**

The Contractor and its surety shall be liable to the City for any damages arising as a result of the Contractor's failure to comply with this obligation.

**B. TIME FOR COMPLETION.** Time is of the essence in the performance of the Work. The Work shall be commenced on the date stated in the City's Notice to Proceed. The Contractor shall complete all Work required by the Contract Documents within **Sixty (60) Calendar Days** calendar days from the commencement date stated in the Notice to Proceed. By its signature hereunder, Contractor agrees the time for completion set forth above is adequate and reasonable to complete the Work.

**C. CONTRACT PRICE.** The City shall pay to the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Contract Documents, and including all applicable taxes and costs, the sum of **EIGHT HUNDRED FORTY-SIX THOUSAND, FOUR HUNDRED FORTY DOLLARS AND NO CENTS (\$846,440.00)**. Payment shall be made as set forth in the General Conditions.

**D. LIQUIDATED DAMAGES.** In accordance with Government Code section 53069.85, it is agreed that the Contractor will pay the City the sum set forth in Special Conditions, Article 1.11 for each and every calendar day of delay beyond the time prescribed in the Contract Documents for finishing the Work, as Liquidated Damages and not as a penalty or forfeiture. In the event this is not paid, the Contractor agrees the City may deduct that amount from any money due or that may become due the Contractor under the Contract. This Article does not exclude recovery of other damages specified in the Contract Documents.

**E. COMPONENT PARTS OF THE CONTRACT.** The "Contract Documents" include the following:

- Notice Inviting Bids
- Instructions to Bidders
- Bid Form
- Bid Bond
- Designation of Subcontractors
- Information Required of Bidders
- Non-Collusion Declaration Form
- Iran Contracting Act Certification
- Public Works Contractor Registration Certification

Performance Bond  
Payment (Labor and Materials) Bond  
General Conditions  
Special Conditions  
Technical Specifications  
Addenda  
Plans and Drawings  
Standard Specifications for Public Works Construction "Greenbook", latest edition, Except Sections 1-9  
Applicable Local Agency Standards and Specifications, as last revised  
Approved and fully executed change orders  
Any other documents contained in or incorporated into the Contract

The Contractor shall complete the Work in strict accordance with all of the Contract Documents.

All of the Contract Documents are intended to be complementary. Work required by one of the Contract Documents and not by others shall be done as if required by all. This Contract shall supersede any prior agreement of the parties.

**F. PROVISIONS REQUIRED BY LAW AND CONTRACTOR COMPLIANCE.** Each and every provision of law required to be included in these Contract Documents shall be deemed to be included in these Contract Documents. The Contractor shall comply with all requirements of applicable federal, state and local laws, rules and regulations, including, but not limited to, the provisions of the California Labor Code and California Public Contract Code which are applicable to this Work.

**G. INDEMNIFICATION.** Contractor shall provide indemnification and defense as set forth in the General Conditions.

**H. PREVAILING WAGES.** Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at the City's Administrative Office or may be obtained online at [dir.ca.gov](http://dir.ca.gov) and which must be posted at the job site.

**[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]**

IN WITNESS WHEREOF, this Contract has been duly executed by the above-named parties, on the day and year above written.

**CITY OF ARCADIA**

**R & R ROOFING & WATER PROOFING, INC.**

By: \_\_\_\_\_  
Dominic Lazzaretto  
City Manager

By: \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Print Name and Title

*Attest:*

By: \_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Print Name and Title

*Approved as to Form:*

\_\_\_\_\_  
Michael J. Maurer  
City Attorney



# STAFF REPORT

Fire Department

**DATE:** December 19, 2023

**TO:** Honorable Mayor and City Council

**FROM:** Chen Suen, Fire Chief  
By: Maria Lourdes Taylor, Sr. Management Analyst

**SUBJECT:** INSTRUCTIONAL SERVICE AGREEMENT WITH RIO HONDO COMMUNITY COLLEGE DISTRICT TO SUPPORT FIRE DEPARTMENT TRAINING

**CEQA: Not a Project**  
**Recommendation: Approve**

## **SUMMARY**

The Fire Department requests authorization to enter into an Instructional Services Agreement (“ISA”) with Rio Hondo Community College District (“District”) to support Fire Department training. It is recommended that the City Council approve, authorize, and direct the City Manager to enter into an Instructional Services Agreement (“ISA”) with Rio Hondo Community College District on behalf of the Arcadia Fire Department (see Attachment).

## **BACKGROUND**

The Fire Department’s Training Division plans and conducts in-service training for full-time Fire Personnel throughout the year. Training topics include those that are mandated by regulatory agencies such as the California Occupational Safety and Health Administration (“Cal-OSHA”) and guided by organizations such as the National Fire Protection Association and Insurance Services Office (“ISO”). Additionally, certain technical skills require annual recertification, which may include classroom instruction and simulated manipulative exercises.

Instructional Service Agreements were created by the State Chancellor’s Office (“State”) to provide college-level credit for certain mandated training for public agencies each year. There is an understanding that the level of training in these sectors meets the level of education required for community college courses. It was also determined that this training, through special contracts, would allow community colleges to provide credits to employees/trainees of the agencies. Essentially, through partnerships between public agencies and colleges, these agreements provide specific training and services that

foster lifelong learning and skills that serve local and regional needs. Individuals with specific expertise and training can teach courses that are approved through the college's curriculum approval process. Students successfully completing these courses can receive college credits.

## **DISCUSSION**

The ISA benefits the Fire Department by providing a resource to undertake training, while receiving college credit for such effort and reimbursing instructors for their efforts and time. Under the ISA, the Arcadia Fire Department will receive a monetary standard rate of training per hour, per person.

Arcadia Fire personnel will be the designated students indicated in the ISA. Fire Department personnel who are approved as instructors by Rio Hondo Community College and qualified to teach particular subjects (e.g. EMS, fire technology, and wildland) will provide the applicable training. Documenting the subjects and hours spent on training will be the responsibility of the on-duty Fire Captain, which will be verified by the on-duty Battalion Chief for each of their respective shifts. The responsibility of submitting training records on a semi-annual basis to the District will be assigned to the Battalion Chief overseeing the Training Division. These training record hours, which correlate to the terms of the ISA, will be converted by the District into academic credits. In turn, Rio Hondo Community College shall remit payment to the Fire Department semi-annually, based on the Arcadia Fire Department's ("AFD") apportionment funding.

Rio Hondo Community College District will be eligible to receive funding from the State on a per student basis for each eligible AFD enrolled student. Accordingly, for each student enrolled in this program, the District will split credit and/or non-credit apportionment revenue received for this program from the State whereby 25% will go to the Fire Department and 75% will go to the District. This apportionment revenue split is the standard by which other participating fire agencies in the area receive funding pursuant to their agreement with the Rio Hondo Community College District, including Sierra Madre Fire Department and Santa Fe Springs Fire Department. Participation in the program will provide a new source of revenue for the Fire Department – not previously available.

## **ENVIRONMENTAL ANALYSIS**

The proposed action does not constitute a project under the California Environmental Quality Act ("CEQA"), based on Section 15061(b)(3) of the CEQA Guidelines, as it can be seen with certainty that they will have no impact on the environment.

**FISCAL IMPACT**

Participation in the program will not result in any additional costs to the City. Alternatively, this program involves revenue generation through cost recovery of the Fire Department's existing training expenses. The Rio Hondo Community College District will receive apportionment revenue from the State for this program. Although the exact amount is not fully known at this time, the Fire Department will receive a 25% split of the apportionment revenue received for this program. The City currently provides this training without reimbursement; therefore, any revenues received will be new revenues to the City paid by the State.

**RECOMMENDATION**

It is recommended that the City Council determine that this action does not constitute a project under the California Environmental Quality Act ("CEQA"); and approve, authorize, and direct the City Manager to enter into an Instructional Services Agreement (ISA) with Rio Hondo Community College on behalf of the Arcadia Fire Department.

Approved:

  
\_\_\_\_\_  
Dominic Lazzaretto  
City Manager

Attachment: Instructional Services Agreement





**Rio Hondo Community College  
3600 Workman Mill Road  
Whittier, CA 90601  
Phone: 562/908-3413, Fax: 562/463-7020**

**Instructional Service Agreement**

This Agreement made and entered Between the Rio Hondo Community College District, hereinafter referred to as the "District", and the City of Arcadia - Fire Department hereinafter referred to as the "CAFD".

**W I T N E S S E T H:**

**Article I - Recitals.**

Whereas, the District will provide vocational education programs, for selected eligible students of the District, including CAFD members (including fire department personnel and other first responders) through this Agreement. The District has the authority under Education Code Section 70902 to establish and maintain education and service. Therefore, pursuant to California Education Code Section 8092, Title 5, California Code of Regulations 55600, et seq., the State Plan for Vocational Education, and the Federal Vocational and Applied Technology Education Act, the Rio Hondo Community College District Board of Trustees has determined, by resolution, the appropriateness of offering vocational education programs by contract. The specific courses of this instruction shall be mutually agreed upon, in writing, prior to the beginning of each academic year and shall be filed with this agreement; and

Whereas, in accordance with Education Code Section 78021, the Board of Trustees of the Rio Hondo Community College District, may establish, contract education programs within or outside the state by agreement with any public or private agency, corporation, association, or any other person or body, to provide specific educational programs or training to meet the specific needs of these bodies; and

Whereas, it is mutually agreed that both the CAFD and the District will insure that ancillary and support services are provided for the students (e.g. Counseling and Guidance, Placement Assistance); and

Whereas, the District does hereby certify that it does not receive full compensation for the direct education costs of the course(s) from any public or private agency, individual or group; and

Whereas the District and CAFD desire to enter into an agreement concerning the calculation and payment of costs pursuant to Labor Code Section 3074 and Education Code Section 81160,

Now and therefore, in consideration of the conditions, covenants, terms, agreements, and recitals contained herein, it is mutually agreed as follows:

## **Article II - Classes.**

The courses of instruction and the outlines of record for such courses are described as but limited to:

- A. Wild Land**
- B. EMS**
- C. Fire Technology**

These courses have been approved by the District's curriculum committees as meeting Title 5 course standards and the courses have been approved by the Board of Trustees. The number of class hours are sufficient to meet performance objectives. Students may withdraw prior to completion of course or program:

## **Article III - Responsibilities of the District.**

### **A. Instruction and Curriculum.**

1. The District is responsible for obtaining certification verifying that the instructional activity to be conducted will not be fully funded by other sources.
2. The District will provide approved college curriculum for use in instruction provided under this agreement.
3. The District has the primary right to control and direct the activities of the instructional staff furnished by CAFD.
4. The District will register students and these records shall be available for review at all times.
5. Enrollment in the course(s) must be open to any person who has been admitted to the College/District and has met any applicable prerequisites (Title 5 Sections 51006 and 58106).
6. The District policy on open enrollment is published in the college catalogue, schedule of classes, and any addenda to the schedule of classes along with a description of the course and information about whether the course is offered for credit and is transferable (Title 5 Sections 51006 and 55005).
7. Degree and certificate programs are approved by the State Chancellor's Office and courses that make up the programs are part of the approved programs, or the College/District has received delegated authority to separately approve those courses locally.
8. Records of student attendance and achievement will be submitted to and maintained by the District. Records will be open for review at all times by officials of the College/District and submitted on a schedule developed by the District.
9. Instruction to be claimed for apportionment under this Agreement is under the immediate supervision and control of an employee of the District who has met the minimum qualifications for instruction in vocational subject for a California Community College (Title 5, Section 58058).
10. Where CAFD's Instructor is not a paid employee of the District, the District shall demonstrate control through such actions as providing the instructor with an orientation, instructor's manual,

course outlines, curriculum materials, testing and grading procedures, and any other materials and services it would provide to its hourly instructors on campus.

11. The District shall provide CAFD with list of minimum qualifications for instructors teaching the courses covered by this Agreement and that the qualifications are consistent with requirements in other similar courses given at the District.

#### **Article IV - Responsibilities of CAFD.**

##### **A. Instruction and Curriculum.**

1. All courses are open to enrollment by any student who has been admitted to the District subject to facility or other proper limitations on enrollment.
2. CAFD will maintain current accurate records of student attendance and progress, and consents to inspection by authorized representatives of the District, the California Community College Board of Governors, the Bureau of School Approval and other persons or entities as required by law.
3. All courses under this Agreement will meet applicable State Criteria and standard and/or approval.
4. CAFD shall organize and provide class schedules, monitor students, maintain records of work experience education and be responsible for apprentice evaluation and counseling regarding on-site work experience.
5. CAFD will provide instruction for students using approved curriculum provided by the District.
6. CAFD will require instructors to complete any training mandated by the State of California for instructor credentialing.
7. CAFD will provide but not be limited to guest lecturers, equipment, materials, day-to-day management support and other related services necessary to conduct these continuing education classes.
8. Where the instructor is not a paid employee of the District, the CAFD instructor will meet the appropriate qualifications as determined by the Rio Hondo Community College District. The District has the primary right to control and direct the instructional activities of the instructor.

NOTE: The District will demonstrate control and direction through such actions as providing the instructor with an orientation, instructor's manual, course outlines, curriculum materials, testing and grading procedures, and any other materials and services it would provide to its hourly instructors on campus. (Instructor may be required to sign a separate contract stating that the District has primary right to control and direct the instructor's activities as they relate to this Agreement).

9. CAFD shall provide clerical support to maintain training records.
10. CAFD shall assist the District with student registration procedures, associated paperwork, and other support services to adequately manage and control the course curricula and CAFD student population.

11. CAFD shall provide funds for and administer instructor workshops. CAFD's financial resources are adequate to ensure operation for the duration of this Agreement, and CAFD on a basis of sound administrative policies and adhere to Rio Hondo Community College District's compliance with State Regulations: Titles VI and 1964; Title IX of the Education Amendments of 1972; Sections 503 and 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; and the Age Discrimination Act of 1990, and does not discriminate on the basis of race religious creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, gender, age, ethnic group identification, sexual orientation or status as a Vietnam-era veteran, in any of its policies, procedures, or practices.
12. CAFD Employment of Instructional Aids. Such personnel will be responsible for assisting instructors and placing all classroom equipment and materials in the training areas when needed by the instructors. They will assist the instructors in restoring the classroom area to a neat and orderly condition and in the return of equipment, and surplus materials to the proper storage areas after classes.
13. CAFD and all of CAFD's members shall secure and maintain in force such licenses and permits that are required by law, in connection with the furnishing of materials, supplies, or services herein listed.

**B. Facilities, Equipment and Supplies.**

1. CAFD shall provide and maintain classroom space at various facilities for use as off-campus sites by the District for mutually agreed upon courses to be provided to CAFD.
2. If said facilities are off-campus, they are hereby designated as off-campus facilities pursuant to Labor Code Section 3074.
3. Courses must be held at facilities which are clearly identified as being open to the general public (Title 5, Section 58051.5).
4. If the classes are to be located outside the boundaries of the District, the District must comply with the requirement of Title 5, Sections 55230 through 55232 concerning approvals by adjoining high school or community college districts and use of non-district facilities.
5. CAFD physical facilities meet requirements for state and local safety and health regulations and its equipment and instructional materials are adequate and suitable for the courses offered and the number of students in attendance.
6. CAFD shall provide instructional supplies and materials.

**Article V - General Provisions.**

- A. This Agreement shall commence January 11, 2024, through January 10, 2028.
- B. This Agreement may be terminated by the other party providing a minimum sixty (60) Days written notice of their intent to terminate or not to renew the agreement. Renewal is subject to the terms of Article V.H. below.
- C. It is agreed that CAFD or any employee or agent of CAFD is acting as an independent entity and not as an agent or employee of the District. CAFD shall be solely responsible for the salaries and other benefits including Liability Insurance, Workers' Compensation Insurance and or any other insurance coverage for personnel, cadets and students.

- D. Neither the District nor CAFD receives full funding for the instruction from the State or other sources. It is the intent of this Agreement that the District and CAFD combine their resources to provide the instruction that would not have been possible but for the combination of resources. The funds received/paid by either party under this Agreement must be more than a trivial amount used to augment the instruction program.
- E. The District shall pay CAFD on a semi-annual basis. CAFD shall submit and certify semi-annual statement and billing to the District, including a daily tally of certified training attendance hours by individual student enrollment utilizing the District attendance and training report forms. The per-student amount shall not exceed the total direct and indirect costs to provide the same training in the District. There shall be no additional tuition charged for any program included in the Agreement. Students must be certified to the District for attendance purposes during the preceding quarter at the CAFD's place of instruction, be in good standing at the District, and demonstrate satisfactory progress in the coursework.
- F. The District will split credit and/or non-credit apportionment revenue received for this program from the State whereby:
  - 1. 25% will go to CAFD and 75% will go to the District.
  - 2. Payments under this apportionment will be made to City of Arcadia - Fire Department (CAFD).
- G. Neither this Agreement nor any duties or obligations under this Agreement may be assigned by CAFD without the prior written consent of both parties.
- H. When the following conditions exist, this Agreement may be cancelled by either said party hereto upon giving notice referred to in Article V.B. above. Such notice shall be personally served or given in the United States Mail.
  - 1. Emergency conditions resulting from acts of GOD.
  - 2. Non-performance of the terms of this Agreement
- I. It is agreed that the District will not withhold any Federal or State income tax from payment made pursuant to this contract but will provide CAFD with a statement of earnings at the end of each calendar year.
- J. CAFD certifies that CAFD is aware of the laws of the State of California requiring employers to be insured against liability for Worker's Compensation. CAFD shall provide workers' compensation and professional liability insurance or self-insure its services.
- K. Except as otherwise expressly provided herein, CAFD and District shall defend, indemnify, and hold each other harmless from and against all claims, liability, loss and expense, including reasonable collection expenses, attorneys' fees and court costs, which may arise because of the negligence, misconduct, or other fault of the indemnifying party, its agents or employees in performance of its obligations under the Agreement. This provision shall survive termination of the Agreement.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement on the day and year first written below.

**DISTRICT**

**CAFD**

Rio Hondo Community College District  
3600 Workman Mill Road  
Whittier, CA 90601

City of Arcadia - Fire Department  
710 S. Santa Ana Ave.,  
Arcadia, CA 91006

Signature: \_\_\_\_\_  
Stephen Kibui  
VP, Finance and Business

Signature: \_\_\_\_\_  
Chen Suen  
Fire Chief  
Email: csuen@arcadia.gov

Date: \_\_\_\_\_

Date: \_\_\_\_\_

RHCCD Board Approval: 01/10/2024



# STAFF REPORT

Recreation and Community Services Department

**DATE:** December 19, 2023

**TO:** Honorable Mayor and City Council

**FROM:** Sara Somogyi, Director of Recreation and Community Services  
By Ashley Marston, Management Analyst

**SUBJECT:** MEMORANDUM OF AGREEMENT WITH SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS TO RECEIVE REIMBURSEMENT GRANT FOR CITY HOMELESS PROGRAM  
**CEQA: Not a Project**  
**Recommendation: Accept and Approve**

## SUMMARY

The City of Arcadia has been awarded a reimbursement grant from the San Gabriel Valley Council of Governments (“SGVCOG”) to address homelessness. Grant funds can be used for a variety of services, including short-term hotel stays to help those on a set path to stable housing. These funds will help offset the City’s previous allocations to homelessness solutions. The reimbursement grant totals \$40,000.

It is recommended that the City Council accept the SGVCOG reimbursement grant in the amount of \$40,000 for the implementation of the City Homeless Program; and authorize the City Manager to execute the Memorandum of Agreement with the SGVCOG.

## BACKGROUND

In Fiscal Year 2022-23, the City of Arcadia participated in the SGVCOG’s regional homelessness programs, including the Supplemental Services Program and the High Acuity Program. Each of the programs offered street outreach and case management services to the Arcadia community one day per week. These regional teams operated concurrently with Arcadia’s three, full-time case managers from Los Angeles Centers for Drug and Alcohol Abuse (“L.A. CADA”) who provide services seven days a week. The regional team’s duplication of services provided little benefit to the City.

For Fiscal Year 2023-24, the SGVCOG offered cities two choices: continue with the regional programs or opt-out and offer a City-specific program. Cities opting out of the regional programs would receive a specific award amount to offer a City-specific program, which would be based on their Point-in-Time count numbers.

## **DISCUSSION**

In April 2023, Arcadia applied to opt-out of the SGVCOG regional programs and receive \$40,000 for City-specific programs. The Memorandum of Agreement and the associated Statement of Work (“Agreement”) with SGVCOG outlines the parameters of the grant.

The SGVCOG City Homeless Program grant funds are eligible to be expended on a variety of housing solutions to address homelessness, in which the City intends to utilize primarily on short-term hotel stays for those who have a defined path to permanent housing. These temporary stays must be secured at the best rate available and are not to exceed five days or \$150 per night, unless prior approval is received from the SGVCOG. Hotel stays are intended to serve as temporary housing before moving into secured permanent housing, such as family reunification, interim housing, or permanent housing.

The program will be implemented in collaboration with the City’s service provider, L.A. CADA, who will work individually with clients to assess needs and eligibility for City Homeless Program grant funds. Unlike the City’s other homeless funds, these monies can be allocated to individuals regardless of residency, allowing the City more flexibility in addressing the regional crisis.

Data, reports, and invoices will be submitted to the SGVCOG monthly. At the end of the grant term, the City will submit a final report that includes a narrative on the success and challenges, demographics of clients, overview of services provides, follow-up client outcomes six months after services were provided, and overall performance metrics.

## **ENVIRONMENTAL ANALYSIS**

The proposed action does not constitute a project under the California Environmental Quality Act (“CEQA”) per Section 15061(b)(3) of the CEQA Guidelines, and it can be seen with certainty that it will have no impact on the environment.

## **FISCAL IMPACT**

Costs related to the City Homeless Program will be offset by monthly reimbursements from the SGVCOG, not to exceed \$40,000 in total. All grant funds must be expended by June 30, 2024. The term of this Agreement may be extended by mutual agreement and approval by Los Angeles County, by way of an amendment.

## **RECOMMENDATION**

It is recommended the City Council determine this action does not constitute a project under CEQA; accept the SGVCOG reimbursement grant in the amount of \$40,000 for the implementation of the City Homeless Program; and authorize the City Manager to execute the Memorandum of Agreement with the SGVCOG.



Approved:



Dominic Lazzaretto  
City Manager

Attachment: Memorandum of Agreement and Statement of Work with the SGVCOG

**MEMORANDUM OF AGREEMENT**

CITY HOMELESS PROGRAM MEMORANDUM OF AGREEMENT BETWEEN THE CITY  
OF ARCADIA AND THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS  
(SGVCOG)

This Memorandum of Agreement (“MOA”) is by and between the City of Arcadia (City) and the San Gabriel Valley Council of Governments (SGVCOG) to be effective as of the date signed by both Parties.

**RECITALS:**

A. The SGVCOG was established to have a unified voice to maximize resources and advocate for regional and member interests to improve the quality of life in the San Gabriel Valley within the jurisdictions of its member cities and its unincorporated areas;

B. The SGVCOG entered into a contract with the County of Los Angeles for Measure H funding for the purposes of providing homeless services in support of the County's Homeless Initiative (HI) strategies to combat homelessness in the San Gabriel Valley;

C. The SGVCOG allocated Measure H funding to support homelessness programs, as approved by the SGVCOG Governing Board, to address homelessness in the San Gabriel Valley which includes supplementing existing outreach services and engaging higher-acuity clients, housing solutions, and pilot programs;

D. The City intends to implement their own city-specific program that will support persons experiencing homelessness (PEH) in the community; and

E. The City and the SGVCOG desire to set forth the terms of their ongoing collaboration with respect to this effort in this MOA.

NOW, THEREFORE, the Parties agree to the following:

**I. TERM:**

The term of this MOA shall commence upon execution of the MOA by all Parties and shall continue through June 30, 2024, or through the date upon which all eligible expenditures have been reimbursed, whichever occurs first. The term of this MOA may be extended by mutual agreement of both Parties by way of an amendment to this MOA.

**II. RESPONSIBILITIES OF EACH OF THE PARTIES:**

A. SGVCOG

1. Review submitted deliverables, reports, and invoices from the City and notify City as to any additional such documents that are required.
2. Coordinate conference calls and/or meetings with City as necessary.

3. Provide any updated point-of-contact described in Section III.B to serve as the SGVCOG's Project Manager with name, title, and contact information.
4. Review and approve procurement procedures for City's use of funds.
5. Hold monthly homeless working group meetings as needed to support information sharing.
6. Review City invoicing and reporting schedules and deadlines.
7. Provide payment to the City within 30 days of approval of City's invoice.
8. Reimburse the City up to \$40,000 for eligible expenses as described in Exhibit B.

B. City

1. Manage the Program, as described in Exhibit A.
2. Submit timely deliverables, reports, and invoices, including spend down reports and appropriate backup documentation in a form reasonably approved by the SGVCOG.
3. Respond to SGVCOG requests related to the Program in a timely manner.
4. Maintain membership in the SGVCOG during the entire term of this MOA.
5. Participate in monthly homeless working group meetings.
6. Provide any updated point-of-contact described in Section III.B to serve as the City's Project Manager with name, title, and contact information.
7. Submit procurement procedures for City's use of funds under this MOA for approval by the SGVCOG. Procure and administer contracts funded by the SGVCOG in accordance with the SGVCOG-approved procurement procedures.
8. Prior to performance of any work by third-party vendors for which the City will seek reimbursement, submit the final form of contracts or purchase orders executed with third-party vendors to the SGVCOG for authorization. SGVCOG shall have no obligation to reimburse City for contracts and purchase orders that do not receive its approval prior to performance of work and SGVCOG reserves the right to not reimburse work under contracts for which the approved procurement process is not followed or have not received the SGVCOG's prior approval.
9. Submit rates for City-employed staff for SGVCOG approval prior to City staff performing work for which the City will seek reimbursement. SGVCOG reserves the right to not reimburse staff time if rates are not submitted to the SGVCOG prior to performance of the work.
10. Notify SGVCOG prior to releasing press materials related to the Program.
11. Ensure that the Program works in coordination with other existing City programs.
12. Ensure that all funding is expended by the end of the MOA term and, if not, inform the SGVCOG as soon as practicable of delays in expending funds. The SGVCOG reserves the right to retain any funds that it deems will not be spent in accordance with this MOA by the MOA deadline.
13. Reimburse the SGVCOG for expenditures that are determined to be ineligible expenses, as outlined in Section III, and/or that are not in compliance with Measure H funding requirements.
14. Request written approval from the SGVCOG using the SGVCOG's designated process, prior to incurring eligible expenditures greater than \$500. City may request prior written approval from the SGVCOG for expenses between \$50 and \$500 to ensure eligibility but is not required to do so.

15. Ensure that all funding is expended by the end of the MOA Term and, if not, inform the SGVCOG as soon as practicable of delays in expending funds. The SGVCOG reserves the right to retain any funds that it deems will not be spent in accordance with this MOA by the end of the MOA Term.
16. Receive approval from the SGVCOG prior to the use of housing solutions/flex funds. City can only access housing solutions/flex funds once all City has expended all funding.
17. Return all equipment purchased using funds secured through the MOA to SGVCOG upon the expiration or earlier termination of the MOA. City shall, at its sole expense, return the equipment in the same condition and appearance as when purchased by City (reasonable wear and tear excepted) and in good working order for the original intended purpose of the equipment.

### **III. INELIGIBLE EXPENSES**

- A. Work otherwise budgeted and funded by another source.
- B. Activities not outlined in the Program.
- C. Work not completed during the term of the MOA, including work performed prior to the effective date of this MOA.
- D. Advocacy and lobbying.
- E. Grant preparation.
- F. Participation in SGVCOG and/or other regional meetings.
- G. Activities not defined in Exhibit A.

### **IV. INVOICING**

- A. City must submit invoices on a quarterly basis, no later than the 20th day of the month following the end of each quarter, in accordance with the schedule in Exhibit B. City must provide all necessary documentation, including but not limited to timesheets, invoices, and deliverables, as support for the invoice. Invoice must include all work completed during the previous quarter. City's final invoice for any eligible expenses not previously invoiced in the last quarterly invoice, shall be submitted within 30 days of the end of the MOA term.
- B. City must submit a quarterly report with the invoice indicating outcomes during the invoicing period, consistent with the format identified in Exhibit C.
- C. City must ensure expenditures are eligible for reimbursement. Any ineligible expenditures will not be reimbursed by the SGVCOG.
- D. Any late-submitted invoices are subject to a 5% penalty for each month for which the invoice is late. If an invoice is more than 3 months late, the penalty will increase to 10% per month. Penalties will be deducted from payments made by the SGVCOG on the invoices.
- E. Any funds that are not expended by the end of the MOA term and invoiced within 30 days thereof, may be retained by the SGVCOG for re-allocation to another program.

### **V. AMENDMENTS:**

- A. For any change which affects the scope of work, term, MOA, overall compensation, payments, or any term or condition included under this MOA, an amendment to the MOA shall be prepared and executed by the City and by the SGVCOG.
- B. For any change which does not materially affect the statement of work as described in Exhibit “A”, the City must receive prior approval by the SGVCOG’s Project Manager.

**VI. PROJECT MANAGEMENT:**

- A. For purposes of this MOA, the SGVCOG designates the following individual as its Project Manager to which any notices required under this MOA shall be sent:

Victoria Urenia  
SGVCOG Local Programs Liaison  
San Gabriel Valley Council of Governments  
1333 S. Mayflower Ave., Suite 360  
Monrovia, CA 91016  
vurenia@sgvcog.org

- B. For purposes of this MOA, the City of Arcadia designates the following individual as its Project Manager to which any notices required under this MOA shall be sent:

Sara Somogyi  
Director of Recreation and Community Services  
City of Arcadia  
365 Campus Drive  
Arcadia, CA 91007  
ssomogyi@arcadiaca.gov

- C. Additional Parties’ contacts and copies of notices to whom shall be sent include the following individuals:

Marisa Creter  
Executive Director  
San Gabriel Valley Council of Governments  
1333 S. Mayflower Ave, Suite 360  
Monrovia, CA 91016  
mcreter@sgvcog.org

- D. Either Party may change its Project Manager or contacts upon written notice to the other Party.

**VII. TERMINATION:**

- A. This MOA may be terminated by either Party at any time without cause. Termination will occur 30 days after written notice is issued by a Party to the other Party’s Project Manager. The City shall stop work and not incur any additional expenses upon receipt of or issuance of such notice, except that which is reasonable and necessary

to effectuate the termination. The City shall be entitled to reimbursement for eligible expenses that are reasonably and necessarily incurred up to the date that such termination is effective.

- B. This MOA may be terminated for cause at any time for a material default by one of the Parties upon written notice to the applicable Project Manager. In the event of termination for cause, termination will be in effect three days after deposit of the written notice in the U.S. Mail, postage pre-paid, unless otherwise stated at a later time in the written notice.

**VIII. INDEMNITY:**

- A. Neither the SGVCOG, its member agencies, or their respective officers, employees, consultants or volunteers (the “SGVCOG Indemnites”), shall be responsible for any damage or liability occurring by reason of anything done or committed to be done by the City or its respective officers, agents, employees, or volunteers under or in connection with the performance of this MOA.
- B. Neither the City or its respective officers, employees, consultants, or volunteers (the “City Indemnites”), shall be responsible for any damage or liability occurring by reason of anything done or committed to be done by the SGVCOG Indemnites under or in connection with the performance of this MOA
- C. The City shall indemnify, defend and hold the SGVCOG Indemnites harmless from and against any liability, claims, losses, actions, and expenses, including without limitation, defense costs, any costs or liability on account of bodily injury, death or personal injury of any person or for damage to or loss of use of property, any legal fees and any claims for damages of any nature whatsoever arising out of or resulting from the City’s obligations under this MOA, unless caused by the negligence or willful misconduct of the SGVCOG Indemnites.
- D. The SGVCOG shall indemnify, defend and hold the City Indemnites harmless from and against any liability, claims, losses, actions, and expenses, including without limitation, defense costs, any costs or liability on account of bodily injury, death or personal injury of any person or for damage to or loss of use of property, any legal fees and any claims for damages of any nature whatsoever arising out of or resulting from the SGVCOG’s obligations under of this MOA, unless caused by the negligence or willful misconduct of the City Indemnites.

**IX. OTHER TERMS AND CONDITIONS:**

- A. In performing this MOA, neither the City nor SGVCOG is a contractor, agent or employee of the other. Neither the City or SGVCOG shall represent themselves as contractors, agents or employees of the other Party and shall have no powers to bind the other Party in contract or otherwise.

- B. This MOA, along with the applicable funding requirements of the SGVCOG's agreement with the County of Los Angeles, constitute the entire understanding between the Parties, with respect to the subject matter herein. The MOA shall not be amended except in writing signed by the Parties.
- C. Neither Party hereto shall be considered in default in the performance of its obligations hereunder to the extent that the performance of any such obligation is prevented or delayed by unforeseen causes including acts of God, floods, earthquakes, fires, acts of a public enemy, pandemic, and government acts beyond the control and without fault or negligence of the affected Party. Each Party hereto shall give notice promptly to the other of the nature and extent of any such circumstances claimed to delay, hinder, or prevent performance of any obligations under this MOA.
- D. Neither Party shall assign this MOA, or any part thereof, without the prior written consent and prior approval of the other Party, nor any assignment without consent shall be void and unenforceable.
- E. This Agreement shall be governed by California law and any applicable federal law.
- F. If any provision of this MOA is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.
- G. The terms of this MOA shall inure to the benefit of, and shall be binding upon, each of the Parties and their respective approved successors and assigns.
- H. Consultant acknowledges that SGVCOG is receiving funding for this Agreement pursuant to Funding Agreement No. HI-23-003 with the County of Los Angeles, which is attached hereto as Exhibit "C" and incorporated by this reference, and that Consultant must abide by subsections X(k), X(n), and X(o) set forth therein. Section 30 is added to the Agreement, as follows:

"30. County of Los Angeles Funding Requirements

Consultant acknowledges that SGVCOG is receiving funding for this Agreement pursuant to Funding Agreement No. HI-23-003 with the County of Los Angeles ("County"), which is attached hereto as Exhibit "C" and incorporated by this reference, and that Consultant must abide by subsections X(k), X(n), and X(o) set forth therein. Consultant shall comply with the following provisions, which are a requirement of Funding Agreement No. HI-23-003:

- a. Notice to Employees Regarding the Federal Earned Income Credit. Consultant shall notify its employees, that they may be eligible for the Federal Earned Income Credit under the Federal income tax laws. Such notice shall be provided in accordance with the requirements set forth in Internal Revenue Service Notice 1015.

b. Compliance with the County Policy of Equity. SGVCOG acknowledges that the County takes its commitment to preserving the dignity and professionalism of the workplace very seriously, as set forth in the County Policy of Equity (CPOE) (<https://ceop.lacounty.gov/>). SGVCOG further acknowledges that the County strives to provide a workplace free from discrimination, harassment, retaliation and inappropriate conduct based on a protected characteristic, and which may violate the CPOE. SGVCOG, its employees, and Consultant shall acknowledge and certify receipt and understanding of the CPOE. Failure of the SGVCOG, its employees, or Consultant to uphold the County's expectations of a workplace free from harassment and discrimination, including inappropriate conduct based on a protected characteristic, may subject the contractor to termination of contractual agreements as well as civil liability.

c. Acknowledgment of County's Commitment to The Safely Surrendered Baby Law. Consultant shall notify and provide to its employees, a fact sheet regarding the Safely Surrendered Baby Law, its implementation in Los Angeles County, and where and how to safely surrender a baby. The fact sheet is available on the Internet at [www.babysafela.org](http://www.babysafela.org) for printing purposes."

**[Signature page to follow]**



In witness whereof, the Parties enter into this MOA on the date of last execution by the Parties.

FOR THE CITY OF Arcadia

By: \_\_\_\_\_  
Dominic Lazzaretto  
City Manager

Date: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Maurer  
City Attorney

FOR THE SAN GABRIEL VALLEY  
COUNCIL OF GOVERNMENTS

By: \_\_\_\_\_  
Marisa Creter  
Executive Director

Date: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
David DeBerry  
General Counsel

## EXHIBIT "A" – Scope of Services

### City Program SOW: Arcadia Housing Solution Flexible Funds

The City will build its capacity to serve people experiencing homelessness (PEH) by utilizing grant funding for housing solution flexible funds to purchase hotel gift cards to temporarily house PEH (Program). These funds are specifically for direct costs associated with housing, rehousing, or stabilizing clients, not to fund staffing costs for case management, problem solving, and housing navigation to support clients.

In utilizing the hotel/motel vouchers, the City must comply with the expenditure limits and requirements established by the SGVCOG's Housing Solutions Fund, specifically the following:

- No more than 5 nights
- Up to \$150 per night. Should a night stay be rated higher than the allowable threshold, the SGVCOG will evaluate the request for funds on a case-by-case basis and determine its approval.
- Must provide written documentation that it was the best rate available (e.g. screenshots of motel/hotel search on travel sites for booking dates or existing partnership agreement with local motel/hotels)
- Motel/hotel voucher must serve as temporary housing option before moving into a secured permanent housing option (e.g. family reunification; interim housing setting; permanent housing)

The Program will be implemented in collaboration with the City's service provider, the Los Angeles Centers for Alcohol and Drug Abuse (L.A. CADA). Prior to program launch, the City will provide the SGVCOG with its guidelines for implementation and gift card management. Implementation guidelines must identify how the City will ensure that gift cards are not misused, including but not limited to the storage of gift cards, physical access to gift cards, and oversight of gift-card balance spend-down. The Guidelines shall also identify the individual(s) who will be responsible for implementing the Program and only those individuals will be authorized for Program Implementation. The Guidelines will also outline how the Implementer will determine when usage of the gift card(s) is the best intervention to support long-term stability and housing for the client, in a manner consistent with the SGVCOG's Housing Solutions Guidelines, how the City will ensure racial equity in its program implementation – including collecting client demographics – and how the City will evaluate the long-term outcomes (after 6 months) of the clients following usage of the gift cards. The designated Implementer shall also receive pre-approval prior to the usage of the gift cards. The Implementer shall maintain a log documenting the purchase and usage of gift cards. At the end of the Program, the City shall submit a Final Report that includes a narrative on the successes and challenges of the Program, demographics of the clients served, an overview of the specific services provided, client outcomes 6 months after the intervention, and overall performance metrics, in the format provided by the SGVCOG.

Gift cards may not be used for damages.

Funding shall be provided on a reimbursement basis. The City shall be eligible for funding reimbursement after the gift card has been utilized, in accordance with the City’s implementation guidelines.

Should the City desire to utilize funds for housing solutions other than motel/hotel vouchers, it can request to do so utilizing the process outlined in the SGVCOG’s Housing Solutions Guidelines.

The City shall implement the Program meeting the following metrics:

<b>Metrics</b>	<b>Quarterly</b>	<b>Total</b>
Unique clients served	30	90
% of clients served that have retained housing and/or secured permanent housing following intervention	75%	

Task 1

The City will implement the program.

Deliverables:

- Implementation Guidelines, including elements as outlined above in the Scope of Services
- Client report forms, or equivalent data, which must include the amount of funds disbursed on behalf of that client in a format approved by the SGVCOG.
- Screenshots or other equivalent supportive documentation indicating motel/hotel best rate available.
- Receipts and invoices documenting purchase of gift cards and usage of gift cards.
- Gift Card Log.
- Quarterly report that includes a narrative on the successes and challenges of implementing the Program, demographics of the clients served, an overview of the specific services provided, outcomes towards meeting the key performance metrics as listed above, or, if the metrics are not being met, the challenges in meeting the metrics, coordination with existing programs, outcomes after the intervention, and spend-down report in the format provided by the SGVCOG. Final report that includes a narrative on the successes and challenges of the Program, demographics of the clients served, an overview of the specific services provided, outcomes 6 months after the intervention, and overall performance metrics, in the format provided by the SGVCOG.

Basis of Billing:

The City must provide receipts for the purchase of gift cards and invoices for the usage of gift cards.

**EXHIBIT "B"**

**Table 1. Budget**

The City shall receive a maximum of \$40,000 for implementation of the City’s Program. Funding shall be disbursed on a reimbursement basis and in accordance with Table 1.

<b>Task</b>		<b>Not to Exceed Amount</b>
Task 1	Program Implementation	\$40,000
Total		\$40,000

Reports and invoices must be submitted quarterly by the following dates:

- 45 days after execution of the MOA
- April 20, 2024

The final report is due by July 20, 2024.