

JOINT RESOLUTION 2022-53

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AS SUCCESSOR AGENCY TO THE FORMER SAN DIMAS REDEVELOPMENT AGENCY AND CITY OF SAN DIMAS APPROVING THE DISPOSITION AND DEVELOPMENT AGREEMENT WITH PIONEER SQUARE, LLC FOR THE SALE AND DEVELOPMENT OF A MIXED-USE PROJECT AT PROPERTIES LOCATED AT 344 WEST BONITA AVENUE, SAN DIMAS CALIFORNIA

WHEREAS, the City of San Dimas, as Successor Agency to the San Dimas Redevelopment Agency (“Agency”) owns approximately 4.03-acre property located at 344 West Bonita Avenue, San Dimas, between Cataract and Acacia Avenues (Property); and

WHEREAS, the Property is currently vacant and thus underutilized, falling substantially short of its commercial, retail, residential, revenue-generating and job-generating potential; and

WHEREAS, on August 25, 2020, the Agency entered into an Exclusive Negotiating Agreement (ENA) with Pioneer Square, LLC (Developer) to negotiate the sale and ultimate development of the Property. Since then, there have been a total of 10 ENA extensions with the most recent one set to expire on October 31, 2022. It is important to note that certain constraints on the Property (e.g. environmental contamination due to historical industrial uses) as well as a worldwide pandemic in 2020 (COVID 19), caused major unforeseen delays/development uncertainties requiring additional time to evaluate the development feasibility of PSQ’s proposed mixed-use development project and negotiate sale terms; and

WHEREAS, Developer team has experience successfully developing mixed-use urban infill projects and obtaining substantial 3rd party debt and equity needed to fund \$50 to \$100 million projects; and

WHEREAS, the qualifications and identity of Developer are of particular concern to City and Successor Agency (collectively, the “City” or the “City Council”), and it is because of such qualifications and identity that City Council desires to enter into the Disposition and Development Agreement, which is attached hereto as Exhibit “A” and incorporated herein by this reference, with Developer (DDA); and

WHEREAS, Developer will submit an application for the City’s consideration to allow the design and construction of a mixed-use project upon the Property, as set forth in the DDA (Project); and

WHEREAS, the Project qualifies for a CEQA Statutory exemption as a Transit Priority Project pursuant to the California Environmental Quality Act (CEQA) “Sustainable Communities Project” exemption enacted as a part of Senate Bill 375, codified at Public Resources Code Sections 21155 et seq.; and

WHEREAS, nothing contained in the DDA commits the City to approving the Project or any component thereof, and the City retains its full discretion and land use authority to consider, modify, condition, approve, or reject the Project; and

WHEREAS, it is anticipated the Project, if approved, would generate substantial

revenue and provide construction-related and permanent employment opportunities for the San Dimas community; and

WHEREAS, it is also anticipated that as part of the Project's subsequent land use entitlement and permitting process, the Project would be required to: reflect a high quality of development; adhere to applicable building codes and other applicable standards and requirements; implement appropriate mitigation measures, as feasible, to address any identified significant environmental impacts; and incorporate feasible energy efficiency, water conservation, and other sustainability measures (to enhance the Project's efficiency and help reduce greenhouse gas emissions, among other things); and

WHEREAS, it is anticipated that the Project will be designed to include necessary street and utility infrastructure to serve the Project; and

WHEREAS, the Property and the DDA are not subject to the Surplus Lands Act as defined by Government Code Sections 54220 to 54233 due to the fact the Property has been subject to the ENA, approved before December 31, 2020, was acquired, and always intended, to be exchanged for private development and has never been used for public/governmental purposes, and will be disposed of before December 31, 2022, and

WHEREAS, the City and Developer have reached mutual agreement and now desire to voluntarily enter into the DDA to provide, among other things, for City's disposition of the Property to Developer, subject to the terms and conditions set forth in the DDA; and

WHEREAS, the City Council conducted a duly noticed public hearing on October 11, 2022, in which the City Council received and fully considered all oral and written testimony from members of the public and City staff.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN DIMAS AS SUCCESSOR AGENCY TO THE FORMER SAN DIMAS REDEVELOPMENT AGENCY AND CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, DO HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Recitals. The recitals set forth above are true and correct and incorporate herein by this reference.

SECTION 2. Findings. Based upon the foregoing and all oral and written testimony from members of the public and City staff, the City Council finds as follows:

A. Entering into the DDA will facilitate achievement of numerous goals and policies of the City's General Plan and Downtown Specific Plan, as may be amended as part of the Project entitlements as well as in conformity with the public convenience, general welfare, and good land use practices; will not be detrimental to the health, safety, and general welfare of persons residing in the immediate area nor be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the City as a whole; and will not adversely affect the orderly development of property or the preservation of property values.

B. The execution and performance of the DDA is in the vital and best interests of the City of San Dimas and its residents and is in accord with the foregoing public purposes and

provisions of applicable laws and regulations.

C. Based upon substantial evidence, the sale of the Property is in conformance with the City's General Plan pursuant to Government Code Section 65402.

SECTION 3. The City Council hereby adopts all findings in the Pioneer Square Project Sustainable Communities Project CEQA Exemption Memorandum prepared by Psomas dated August 2022 and attached to this Resolution as Exhibit B ("Exemption Memorandum"), and incorporates those findings by reference herein. On the basis of those findings, the City Council finds that the Project qualifies for a CEQA Statutory exemption as a Transit Priority Project pursuant to the California Environmental Quality Act (CEQA) "Sustainable Communities Project" exemption enacted as a part of Senate Bill 375, codified at Public Resources Code Sections 21155 et seq. and hereby approves said exemption. All conditions of approval recommended in the Exemption Memorandum shall be required conditions of approval on PSQ's proposed development project.

SECTION 4. Approval. Based upon the foregoing and all oral and written testimony from members of the public and City staff, the City Council hereby approves the DDA as attached hereto as Exhibit A.

SECTION 5. 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 by the City Council for the Successor Agency and City of San Dimas at a regular meeting held on the 25th day of October 2022.



MAYOR OF THE CITY OF SAN DIMAS AND
CHAIR OF THE SUCCESSOR AGENCY

ATTEST:



CITY CLERK OF THE CITY OF SAN DIMAS

I, Debra Black, City Clerk of the City of San Dimas, do hereby certify that Resolution 2022-53 was duly adopted at a regular meeting of the said City Council held on the 25th day of October 2022; by the following roll call vote:

AYES: Badar, Nakano, Vienna, Weber
NOES: None
ABSENT: None
ABSTAIN: Ebner



CITY CLERK OF THE CITY OF SAN DIMAS