

ORDINANCE NO. 02 (2012)

AN ORDINANCE OF THE CITY OF DIAMOND BAR APPROVING THE SITE D SPECIFIC PLAN (SPECIFIC PLAN NO. 2007-01) FOR PROPERTY COMPRISED OF APPROXIMATELY 30.36 ACRES LOCATED AT THE SOUTHEAST CORNER OF BREA CANYON ROAD AND DIAMOND BAR BOULEVARD, DIAMOND BAR, CALIFORNIA (ASSESSOR'S PARCEL NUMBERS 8714-002-900, 8714-002-901, 8714-002-902, 8714-002-903, and 8714-015-001).

A. RECITALS

1. On July 1, 2007, the property owner/co-applicant, Walnut Valley School District, and property owner/lead agency/co-applicant, City of Diamond Bar (City), executed a Memorandum of Understanding whereby the parties agreed to collaborate in a specific plan process in order to consider the possible rezoning of the site consisting of approximately 30.36 acres, and comprised of multiple parcels located at the southeast corner of Brea Canyon Road and Diamond Bar Boulevard, City of Diamond Bar, County of Los Angeles, California, collectively identified as Site D, so that both parties may each advance their respective objectives for the disposition and/or use of their respective property interests.
2. Under the authority of Development Code Section 22.60.040 and Government Code Section 65451, Specific Plan 2007-01 (Site D Specific Plan), was crafted to establish land use and development regulations uniquely applicable to Site D.
3. In accordance with the provisions of the California Environmental Quality Act (CEQA) and its implementing guidelines (CEQA Guidelines), an Environmental Impact Report (EIR) was prepared for Specific Plan No. 2007-01. The EIR included an analysis of both the then proposed project, subsequently identified as the March 2010 Site D Specific Plan, and a number of alternatives thereto. The EIR concluded that, as mitigated, the implementation of the proposed project would produce a number of significant environmental effects that could not be reduced to a less-than-significant level.
4. On April 13, April 27, 2010 and May 11, 2010, the Planning Commission of the City of Diamond Bar (Planning Commission) conducted and concluded a duly noticed public hearing on the application and approved Resolution No. 2010-14 recommending that the City Council of the City of Diamond Bar (City Council) approve Specific Plan No. 2007-01, as conditioned. Prior to making its recommendation, the Planning

Commission considered several alternative land use plans set forth in the EIR, including various all-residential and mixed-use scenarios.

5. Planning Commission Resolution No. 2010-14 included a recommendation to incorporate a 1.3 net acre usable neighborhood public park within the Site D area with features such as, but not limited to, a tot lot, picnic tables, seating areas and shade structures. In addition, the Planning Commission recommended that the park be constructed to City standards and then dedicated to the City.
6. On June 15, 2010, the City Council conducted a duly noticed public hearing, solicited testimony from all interested parties, and continued the matter to July 20, October 19, November 16, December 7, and on December 21, 2010 closed the public hearing.
7. As specified in the EIR, Alternative 6, identified as the January 2012 Site D Specific Plan, was determined to be the environmentally-superior feasible alternative since its implementation would allow for the attainment of the project's stated objectives and would avoid or substantially lessen the significant environmental impacts attributable to the proposed project.
8. CEQA contains a "substantive mandate" requiring public agencies to refrain from approving projects with significant environmental effects if there are feasible alternatives or mitigation measures that can substantially lessen or avoid those effects. CEQA Guidelines define the term "feasible" as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. In accordance therewith, the City Council determined that, since the January 2012 Site D Specific Plan would result in the avoidance or substantial reduction of those significant environmental impacts attributable to the March 2010 Site D Specific Plan, is environmentally superior thereto, and is feasible, the City Council identified Alternative 6 as the preferred project.
9. Based on the information presented in the EIR, the comments submitted and responses prepared in response thereto, the recommendations of the Planning Commission, and the independent deliberations of the City Council, the City Council subsequently rejected the March 2010 Site D Specific Plan based on environmental and other considerations and has elected to advance Alternative 6 (January 2012 Site D Specific Plan) in lieu thereof. Subsequent references to Specific Plan No. 2007-01 or to the Site D Specific Plan herein are with regards to the January 2012 Site D Specific Plan.
10. The City Council has certified that the EIR was completed in compliance with CEQA, that the EIR was presented to and reviewed by the City Council, that the City Council considered the information contained

therein, and that the EIR reflected the City Council's independent judgment and analysis. In accordance with CEQA and the CEQA Guidelines, a resolution recommending certification of the EIR, adoption of a mitigation reporting and monitoring program, and adoption of findings of fact was approved by the City Council prior to the City Council's consideration of this ordinance.

11. Specific Plan No. 2007-01 is being reviewed by the City Council concurrently with General Plan Amendment No. 2007-03, Zone Change No. 2007-04, and Development Agreement No. 2012-01.
12. Adoption by the City Council of Specific Plan No. 2007-01 will enable the City to impose site-specific land use, design, and development standards govern the build-out, use, and habitation of Site D.
13. Notification of the public hearing for this project was published in the San Gabriel Valley Tribune and the Inland Valley Daily Bulletin newspapers on February 10, 2012. Public hearing notices were mailed to property owners within a 1,000-foot radius of the project site and public notices were posted at the City's designated community posting sites. In addition to the published and mailed notices, the project site was posted with a display board and the notice was posted at three other locations within the general project vicinity.
14. On February 21, 2012, the City Council re-opened the public hearing, conducted a duly noticed public hearing on the project and on the EIR, took testimony, and fully considered the comments submitted during that hearing, including the City Council's own deliberations. On March 6, 2012, the City Council completed the second reading of this Ordinance.
15. The City Council has determined that the proposed Specific Plan represents a consistent, logical, appropriate and rational land use designation and implementing tool that furthers the goals and objectives of the City of Diamond Bar General Plan (General Plan).
16. The documents and materials constituting the administrative record of the proceedings upon which the City's decision is based are located at the City of Diamond Bar, Community Development Department, Planning Division, 21810 Copley Drive, Second Floor, Diamond Bar, CA 91765.

B. NOW, THEREFORE, the City Council of the City of Diamond Bar does hereby ordain as follows:

1. The City Council hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Ordinance are true and correct.
2. The City Council finds that the initial study prepared for the project identified above in this Ordinance concluded that an Environmental Impact

Report (EIR) No. 2007-02 (SCH No. 2008021014) be prepared. An EIR was subsequently prepared according to the requirements of CEQA and CEQA Guidelines promulgated thereunder. On February 21, 2012, the City Council reviewed the EIR and adopted Resolution No. 2012-07 certifying the EIR as complete and adequate after conducting and concluding a duly noticed public hearing.

3. Based on the findings and conclusions set forth herein, the City Council hereby finds as follows:
 - a. As conditioned, the Site D Specific Plan authorizes the conversion of vacant land comprised of approximately 30.36 acres located at the southeast corner of Brea Canyon Road and Diamond Bar Boulevard (Assessor's Parcel Numbers 8714-002-900, 8714-002-901, 8714-002-902, 8714-002-903 and 8714-015-001) to a developable use consisting of 200 residential dwelling units and a minimum of two net acres of useable neighborhood public park area.
 - b. The current General Plan land use designations for the site include Public Facility (PF) and General Commercial (C). General Plan Amendment No. 2007-03 being considered concurrently with the Site D Specific Plan proposes to change the land use designation of Site D to Specific Plan. With approval of the General Plan Amendment, the Site D Specific Plan will be consistent with the underlying General Plan land use designation.
 - c. The project site is zoned Low Density Residential (RL), Low/Medium Density Residential (RLM), and Neighborhood Commercial (C-1). Zone Change No. 2007-04 being considered concurrently with the Site D Specific Plan proposes to change the zoning designation of Site D to SP-Specific Plan. With approval of the zone change, the Site D Specific Plan will be in conformance with the underlying zoning designation.

Specific Plan: Pursuant to Development Code Section 22.60.040 and Government Code Section 65451, the City Council finds as follows:

- a. Specific Plan No. 2007-01 contains plans showing the distribution, location and extent of the uses of land, including open space;
- b. The proposed distribution, location, and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses are described in the plan;

- c. Specific Plan No. 2007-01 includes standards and criteria for development to proceed, and standards for the conservation, development, and utilization of natural resources;
 - d. Specific Plan No. 2007-01 includes a program of implementation measures including regulations and performance standards to carry out the project; and
 - e. Specific Plan No. 2007-01 includes a statement attesting to the consistency of the Site D Specific Plan with the General Plan.
4. Based on the findings and conclusions set forth above, the City Council approves Specific Plan No. 2007-01 attached herein as Exhibit A with the following conditions:
- a. GENERAL
 - 1. This approval for Specific Plan No. 2007-01 shall be null and void and of no effect unless the EIR (SCH No. 2008021014) is first certified, the mitigation reporting and monitoring program, and findings of facts are previously adopted, and General Plan Amendment No. 2007-03, Zone Change No. 2007-04, and Development Agreement No. 2012-01 are approved;
 - 2. Unless subsequently modified by the City Council, in addition to the conditions in this Ordinance, all of approval/performance standards attached hereto as Exhibit B shall be complied with; and
 - 3. Unless subsequently modified by the City Council, the project shall comply with the mitigation reporting and monitoring program presented in EIR 2007-02 (SCH No. 2008021014). A copy is attached hereto and referenced herein as Exhibit C.

The City Council shall:

- (a) Certify to the adoption of this Ordinance; and
- (b) Forthwith transmit a certified copy of this Ordinance, by certified mail, to: Walnut Valley Unified School District, 880 South Lemon Avenue, Walnut, CA 91789.

APPROVED AND ADOPTED THIS 6th DAY OF MARCH 2012, BY THE CITY COUNCIL OF THE CITY OF DIAMOND BAR.


Ling-Ling Chang, Mayor

I, Tommye Cribbins, City Clerk of the City of Diamond Bar, do hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Diamond Bar held on the 21st day of February, 2012, and was finally passed at a regular meeting of the City Council of the City of Diamond Bar held on the 6th day of March, 2012 by the following vote:

AYES: Councilmembers: Everett, Herrera, Tye, MPT/Tanaka

NOES: Councilmembers: M/Chang

ABSENT: Councilmembers: None

ABSTAIN: Councilmembers: None


Tommye Cribbins, City Clerk

EXHIBIT "A"

Site D Specific Plan

Copies of the Site D Specific Plan, dated January 2012, are available for public inspection and review at the City Clerk's Office in City Hall, the Diamond Bar Public Library, and online at www.DiamondBarCa.gov

