CITY COUNCIL
RESOLUTION NO. 2012-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DIAMOND BAR, CALIFORNIA, CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (SCH NO. 2008021014) AND APPROVING THE MITIGATION REPORTING AND MONITORING PROGRAM AND ADOPTING FINDINGS OF FACT FOR THE SITE D SPECIFIC PLAN, AFFECTING AN AREA COMPRISED OF APPROXIMATELY 30.36 ACRES LOCATED AT THE SOUTHEAST CORNER OF BREA CANYON ROAD AND DIAMOND BAR BOULEVARD, DIAMOND BAR, CALIFORNIA (ASSESSORS 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/co-applicant/lead agency, City of Diamond Bar, executed a Memorandum of Understanding whereby the parties agreed to collaborate in the land use planning 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, 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 real property interests.

2. As a result of that collaboration, on February 1, 2008, the City's Community Development Department (Department) executed and disseminated a Notice of Preparation (NOP) and Initial Study presenting a preliminary assessment of the potential impacts of the project, identified therein as the Diamond Bar Boulevard and Brea Canyon Road (Site D) Specific Plan and the Site D Property Specific Plan (Specific Plan No. 2007-01). On February 5, 2008, the Governor's Office of Planning and Research, in that agency's role as State Clearinghouse, acknowledged receipt of the NOP and Initial Study and commenced a 30-day comment period for the submittal of comments by State responsible agencies. That comment period started on February 5, 2008 and ended on March 5, 2008.

3. On June 22, 2009, the Department noticed, released, and disseminated copies of the Draft Environmental Impact Report – Site D Specific Plan, State Clearinghouse No. 2008021014 (Draft EIR), Notice of Completion (NOC), and Notice of Availability (NOA), examining a proposed specific plan, subsequent identified as the March 2010 Site D Specific Plan, authorizing the development of 202 dwelling units and 153,985 square

feet of commercial use on the subject property and examining five alternatives thereto. As indicated in the Draft EIR, implementation of the March 2010 Site D Specific Plan would result in a number of significant unmitigable environmental effects.

4. On March 20, 2010, the Lead Agency released and disseminated the Response to Comments on the Draft Environmental Impact Report – Site D Specific Plan, State Clearinghouse No. 2008021014 (RTC1) addressing written comments received from governmental entities and private parties on the proposed project.

5. On April 13, 2010, the Planning Commission of the City of Diamond Bar conducted a duly noticed public hearing, solicited testimony from all interested individuals, closed the public hearing, and continued the matter to May 11, 2010.

6. On April 27 and May 11, 2010, the Planning Commission of the City of Diamond Bar continued and concluded their deliberations. At that time, the Planning Commission recommended that City Council certify the Environmental Impact Report (SCH No. 2008021014) and approve the Mitigation Monitoring Program and adopt Findings of Fact and a Statement of Overriding Considerations for the project.

7. On June 15, 2010, the City Council of the City of Diamond Bar conducted a duly noticed public hearing, solicited testimony from all interested individuals, and continued the matter to July 20, October 19, November 16, December 7 and on December 21, 2010 closed the public hearing.

8. In response to public comments, on December 2, 2010, the President of the District's Board of Directors transmitted correspondence to the City stating, in part, that "the Board of Trustees of the Walnut Valley Unified School District recommends (1) that Site D be developed 100% residential with minimal peripheral open space, green belt and park areas with a monument to mark the entrance into Diamond Bar, and (2) that the residential density be reduced to less than 20 units per acre."

9. On December 7, 2010, in response to public comments, correspondence from the President of the Walnut Valley Unified School District's Board of Trustees dated December 2, 2010, and the City Council's independent deliberations, the Council directed the Department to formulate a new alternative (identified as Alternative 6) to the March 2010 Site D Specific Plan eliminating the commercial component, decreasing the number of residential dwellings from 202 to 200 units, and incorporating a public park consisting of at least two usable acres. In response, the Department prepared a separate specific plan alternative identified as the January 2012 Site D Specific Plan.

10. The January 2012 Site D Specific Plan was examined to a comparable level of detail as that presented for the March 2010 Site D Specific Plan in a separate CEQA document, identified as Response to Comments No. 2 - Draft Environmental Impact Report for the Site D Specific Plan, State Clearinghouse No. 2008021014 (RTC2), released and disseminated by the Department on or about January 30, 2012. As indicated in RTC2, as mitigated, implementation of the January 2012 Site D Specific Plan would result in the avoidance or substantial reduction of those significant unmitigable environmental impacts attributable to the March 2010 Site D Specific Plan.

11. 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 has 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 has identified Alternative 6 as the preferred project.

12. On February 21, 2012, the City Council of the City of Diamond Bar opened the public hearing, continued and concluded their deliberations.

13. With regard to the January 2012 Site D Specific Plan, the following approvals are requested of the City Council [Items (a) through (d) below are collectively referred to as the "Project"]:

    (a) General Plan Amendment No. 2007-03 to change the land use designations from Public Facility (PF) and General Commercial (C) to Specific Plan (SP);

    (b) Zone Change No. 2007-04 to change the zoning districts from Low Density Residential (RL), Low/Medium Density Residential (RLM), and Neighborhood Commercial (C-1) to Specific Plan;

    (c) Specific Plan No. 2007-01 to adopt the Site D Specific Plan for the approximately 30.36 acre site to facilitate the development of 200 residential dwelling units and minimum two useable acres of neighborhood public park area;

    (d) Development Agreement No. 2012-01 to approve an agreement between the City and the Walnut Valley Unified School District

setting forth the obligations and benefits to the City and the Walnut Valley Unified School District; and

(e) Environmental Impact Report 2007-02 to certify the Final Environmental Impact Report, inclusive of the Draft EIR, RTC1, and RTC2 (Final EIR), which provides a detailed analysis of potential environmental impacts associated with the development of the Specific Plan area. The Final EIR includes mitigation measures alternatives, and identifies the environmentally superior alternative as the January 2012 Site D Specific Plan;

14. Notification of the public hearing for the 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 Project vicinity.

B. RESOLUTION

NOW, THEREFORE, it is found, determined and resolved by the City Council of the City of Diamond Bar as follows:

1. The City Council hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.

2. The City Council hereby finds that the Project identified above in this Resolution required an Environmental Impact Report (EIR). EIR (SCH No. 2008021014) has been prepared according to the requirements of the California Environmental Quality Act (CEQA) and guidelines promulgated thereunder. The 45-day public review period for the EIR began June 25, 2009 and ended August 10, 2009. Furthermore, the Planning Commission has reviewed the EIR and related documents in reference to the Project.

3. Based on the findings and conclusions set forth herein, the City Council hereby finds that the January 2012 Site D Specific Plan constitutes the environmentally superior feasible alternative and selects that alternative in accordance with the provisions of CEQA and its guidelines.

4. Based on the findings and conclusions set forth herein, the City Council hereby finds and determines that standard conditions, performance standards, and mitigation measures have been incorporated into the Project, which avoid or substantially lessen significant adverse environmental impacts identified in Final EIR.

5. The City Council hereby certifies the Final EIR to be complete and adequate; and adopts the Findings of Facts and Mitigation Report and Monitoring Program attached herein as Exhibits A and B and hereby incorporated by reference.

The City Council shall:

(a) Certify to the adoption of this Resolution; and

(b) Forthwith transmit a certified copy of this Resolution, by certified mail, to: Walnut Valley Unified School District, 880 South Lemon Avenue, Walnut, CA 91789.

APPROVED AND ADOPTED THIS 21st DAY OF FEBRUARY 2012, BY THE CITY COUNCIL OF THE CITY OF DIAMOND BAR.

By: _____
Ling-Ling Chang, Mayor

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

AYES: Council Member: Everett, Herrera, Tye, MPT/Tanaka

NOES: Council Member: M/Chang

ABSENT: Council Member: None

ABSTAIN: Council Member: None

ATTEST: _____
Tommye Cribbins, City Clerk,
City of Diamond Bar

EXHIBIT "A"

FINDINGS OF FACT
FINAL ENVIRONMENTAL IMPACT REPORT 2007-02
"SITE D" SPECIFIC PLAN - SPECIFIC PLAN NO. 2007-01
STATE CLEARINGHOUSE NO. 2008021014

Section 21081 and 21081.5, California Public Resources Code
Sections 15091, 15092, and 15083, Title 14, Chapter 3, California Code of Regulations

1.0 PROJECT DESCRIPTION

1.1 Project Location

The approximately 30.36-acre project site is located within the corporate boundaries of the City of Diamond Bar, an incorporated community situated along the western edge of Los Angeles County (County). The project site is located in the southwestern portion of the City, generally near the southeast corner of Brea Canyon Road and Diamond Bar Boulevard. The project site is bordered on the north by Diamond Bar Boulevard, on the west by Brea Canyon Road, and on the south, east, and southwest by existing residential neighborhoods. Engineered slope areas, including v-ditch drainage features, separate the project site from existing single-family detached homes on the south and west. Commercial and office professional uses are located to the north of Diamond Bar Boulevard and west of Brea Canyon Road.

The project site is generally located east of State Route 57 (SR-57 Freeway) and Brea Canyon Road and southeast of the intersection of the SR-57 Freeway, Diamond Bar Boulevard, and Brea Canyon Cutoff. The project site is located to the north of the terminus of Castle Rock Road and Pasado Drive.

1.2 Project Site

1.2.1 Project Site Description

The City of Diamond Bar (City or Lead Agency) and the Walnut Valley Unified School District (WVUSD or District) own separate properties within the corporate boundaries of the City, separated by an open flood control channel (Brea Canyon Storm Drain Channel) operated by the Los Angeles County Flood Control District (LADFCD), a division of the Los Angeles County Department of Public Works (LACDPW). The WVUSD's governing body has determined that the District's approximately 28.71-acre property (Site D or District Property) is unnecessary for future school use and has declared it to be "surplus property." As authorized under Section 17455 of the California Education Code (CEC): "The governing board of any school district may sell any real property belonging to the school district or may lease for a term not exceeding 99 years, any real property, together with any personal property located thereon, belonging to the school district which is not or will not be needed by the district for school classroom buildings at the time of delivery of title or possession." As required under Section 17462(a) of the CEC: "The funds derived from the sale of surplus property shall be used for capital outlay or for costs of maintenance of school district property that the governing board of the school district determines will not recur within a five-year period."

The City's approximately 0.98-acre property (City Property) was acquired so that the City would have access to real property that could be used to address future traffic impacts and existing traffic issues. On January 17, 2006, the Diamond Bar City Council (Council) adopted Resolution No. 2006-02 (A Resolution of the City Council of the City of Diamond Bar, California

Approving the Purchase of Property Located at 3100 South Diamond Bar Blvd. and Authorizing the City Manager to Execute all Required Documents). As indicated in the accompanying agenda report: "The property, located at the corner of Diamond Bar Blvd. and Brea Canyon Road, is vacant property adjacent to the large vacant parcel known as Site D. . .The future development of this site will create traffic circulation impacts on Diamond Bar Blvd. and Brea Canyon Road. By acquiring this site, the City will have access to property to address future traffic impacts as well as the existing traffic issues in this area. This property can be used for dedicated turn lanes or other traffic engineering solutions" (City of Diamond Bar, Council Agenda No. 6.8, January 17, 2006).

The Brea Canyon Storm Drain Channel, which runs generally parallel to Brea Canyon Road, separates the District Property from the City Property. In the vicinity of the project site, the LACFCD's approximately 0.67-acre facility (County Property) is presently an open box culvert. In accordance with the LACFCD's "Guidelines for Overbuilding and Air Rights," in combination with such other standards and procedures as may be established by the County, leasehold interests in the "air rights" above the channel could be conveyed to a non-County entity, thus allowing the channel to be covered and the lands situated above that facility used for other public or private purposes.

Based on acreage, the District owns approximately 94 percent of the subject property, thus making the WVUSD the principal and primary property owner. With regards to the intended use of the "Site D" property, the District's desire, therefore, plays a significant role in the Lead Agency's deliberations as well as its environmental compliance and entitlement processes. Similarly, project proponents can change their minds from time-to-time and independently decide to pursue different development strategies or cease the processing of a pending development application.

Since the California Environmental Quality Act (CEQA), as codified in Section 21000 et seq. of the Public Resources Code (PRC), and the Guidelines for the Implementation of the California Environmental Quality Act (State CEQA Guidelines or Guidelines), codified in Sections 15000 et seq. in Title 14 of the California Code of Regulations (CCR), constitutes a reactive process, it must find a way to adapt to the changing desires of project proponents, the project-changing nature of information which is identified and formulated during project-based analyses, and the evolutionary nature of virtually every development project. Under CEQA, each non-substantive change to a project being processed by a local agency does not, in and of itself, necessitate a recommencement of that process.

1.2.2 Assessor's Parcel Number

Section 327 of the Revenue and Tax Code provides for the existence and organization of assessor's maps. As specified, in part, therein: "Where any county or county officer possess a complete, accurate map of any land in the county, or whenever such a complete, accurate map has been made in compliance with Sections 27556 to 27560, inclusive, of the California Government Code (CGC), the assessor may number or letter the parcels in a manner approved by the board of supervisors."

In accordance therewith, the District Property is comprised of the following two Los Angeles County Assessor (County Assessor) Parcel Numbers (APNs): 871-4002-900 and 871-4002-901. The City Property has been assigned APN 871-4015-001 by the County Assessor. The Brea Canyon Storm Drain Channel is comprised of APNs 871-4002-902 and 871-4002-903.

1.3 Memorandum of Understanding

On July 1, 2007 the City and the WVUSD executed a "Memorandum of Understanding" (MOU), which was subsequently amended, whereby the City and the District agreed to a collaborative planning process for the District Property and the City Property whereby both entities could advance their respective objectives for the disposition of their respective real property holdings. Under the terms of the MOU, as authorized under the provisions of Sections 65450-65457 of the CGC, the City agreed to prepare and process a "specific plan" for the combined properties for the purpose of establishing design/development parameters for the subsequent use of those properties. Section 22.60 (Specific Plans) in Title 22 (Development Code) of the "City of Diamond Bar Municipal Code" (Municipal Code) authorizes the City to approve and contains general information concerning City requirements for specific plans.

As envisioned by the parties at that time, the specific plan was to include a mix of residential and commercial uses based upon a mutually agreed upon site plan. Of the usable acreage, a minimum of 50 percent will be designated for residential development and 50 percent will be designated for commercial use, exclusive of necessary infrastructure. The MOU authorized the City to engage a consultant and set forth reimbursement obligations for the specific plan's preparation and processing. The MOU identified a performance schedule for the specific plan's approval. As stated therein: "Nothing herein, however, constitutes a commitment or guaranty that the City will adopt the specific plan, the Commission and Council retain the discretion to take any such action each deems appropriate with respect to the specific plan."

The MOU was subsequently amended on November 4, 2008 (First Amendment) to reflect increased costs for consultant's services. In addition, the revised MOU also set forth different parameters with regards to the use of the subject property. The MOU was further revised on September 16, 2010 (Second Amendment) to reflect a further increase in the cost of consultant's services, to establish a reimbursement schedule, and extend the term of the MOU.

In correspondence from Nancy Lyons, President, VWUSD Board of Trustees (Board) to the Council, dated December 2, 2010, based on actions by the Board on December 1, 2010, the District stated that "the Board of Trustees of the Walnut Valley Unified School District recommends (1) that Site D be developed 100% residential with minimal peripheral open space, green belt and park areas with a monument to mark the entrance into Diamond Bar, and (2) that the residential density be reduced to less than 20 units per acre. This decrease in density will better blend with the existing residences in the vicinity of Site D and will better meet the current market conditions for the building community. The all residential land use will provide the District with much needed financial resources to help meet the District's capital facility and technology needs." In taking its action, following the Lead Agency's release of the "Draft Environmental Impact Report – 'Site D" Specific Plan, SCH No. 2008021014" (DEIR) but before the Lead Agency's certification of the "Final Environmental Impact Report – 'Site D" Specific Plan, SCH No. 2008021014" (FEIR), the Board amended its application for discretionary entitlements from the Lead Agency. As such, as the entitlement entity and not as either the principal landowner or the site's ultimate developer, the Lead Agency is generally obligated to "follow suit" (follow in the same pattern) and analyze the applied-for entitlements.

In response, on January 19, 2011, the parties executed a further amendment to the MOU (Third Amendment). At that time and in accordance therewith, the specific plan's conceptual land-use plan was modified to consist of not more than 200 residential dwellings and dedicated parkland. The parkland shall consist of at least 2.0 net areas of useable area, dedicated to the City and constructed to City standards. The Third Amendment also revised the reimbursement schedule

concerning the percentage of proceeds due each party upon sale of the subject property. On July 19, 2011, the parties again amended the MOU (Fourth Amendment) to extend the performance schedule for the City's consideration of the specific plan until June 30, 2012.

Although the MOU called for the development of a specific plan, the document acknowledged that neither the District nor the City would be the ultimate developer(s) of those lands located within the specific plan's boundaries. For example, the amended MOU noted that the subsequent purchaser, not the District, would be responsible for designing and constructing the parkland improvements.

1.4 Environmental Notices

On February 1, 2008, the City's Community Development Department (Department) executed and disseminated a "Notice of Preparation" (NOP) and an "Initial Study" (Initial Study) presenting a preliminary assessment of the potential impacts of the project, identified therein as the "Diamond Bar Boulevard and Brea Canyon Road (Site D) Specific Plan" and the "Site D Property Specific Plan (Specific Plan No. 2007-01)" (February 2008 SDSP). As described in the Initial Study: "Proposed is the adoption of a General Plan Amendment from 'Public Facility (PF)' and 'General Commercial (C)' to 'Specific Plan,' with a corresponding Zone Change from 'Low Medium Residential (R-1 7,500),' 'Low Density Residential (R-1 10,000),' and 'Community Commercial (C-2)' to 'Specific Plan (SP)' for an approximately 30-acre site located in the City of Diamond Bar. Also proposed is the approval of a tentative subdivision map establishing separate residential and commercial parcels, an internal circulation system, and common open space areas. As proposed, the 'Site D Property Specific Plan' would allow the construction, habitation, and occupancy of 202 dwelling units and 153,985 gross leaseable square feet of commercial use."

The Initial Study concluded that the February 2008 SDSP could potentially result in the generation of significant environmental effects relative to the following topical issues: (1) aesthetics; (2) air quality; (3) biological resources; (4) geology and soil; (5) hazards and hazardous materials; (6) hydrology and water quality; (7) land use; (8) noise; (9) public services; (10) transportation and traffic; and (11) utilities and service systems. The Initial Study presented the Lead Agency's rationale for excluding from further analysis those issues that either did not manifest at a level of significance or which were adequately addressed in a previously certified EIR.

The NOP announced the Department's scheduling of a pre-circulation scoping meeting for the purpose of soliciting public and agency comments regarding the potential environmental effects of the February 2008 SDSP. That scoping meeting was conducted on February 21, 2008 at the South Coast Air Quality Management District/Government Center, Room CC-6 (21865 Copley Drive, Diamond Bar).

On February 5, 2008, the Governor's Office of Planning and Research (OPR), in that agency's role as State Clearinghouse (SCH), acknowledged receipt of the NOP and Initial Study and commenced a 30-day comment period for the submittal of comments by State responsible agencies. That comment period started on February 5, 2008 and ended on March 5, 2008.

For the purpose of assessing, the direct, indirect, and cumulative environmental impacts of the project, on June 22, 2009, the Department noticed, released, and disseminated copies of the "Draft Environmental Impact Report – 'Site D' Specific Plan, State Clearinghouse No. 2008021014" (DEIR), "Notice of Completion" (NOC), "Notice of Availability" (NOA), and revised

"'Site D' Specific Plan" (June 2009 SDSP). Both the DEIR and NOC were submitted to the SCH on June 25, 2009, commencing a 45-day comment period on the DEIR. The State agency comment period, as established by the SCH, concluded on August 10, 2009. On June 22, 2009, the NOC was concurrently filed with and posted in the Office of the County Clerk (County Clerk). In addition, the NOA was published in the Inland Valley Daily Bulletin and San Gabriel Valley Tribune on June 25, 2009.

In addition to the June 2009 SDSP (which previously was the February 2008 SDSP and which subsequently became the March 2010 SDSP), the DEIR examined a reasonable range of alternatives. The following conservation-based and development-oriented alternatives were examined therein: (1) Alternative 1 (No Project); (2) Alternative 2 (Public Facilities); (3) Alternative 3 (Community Commercial); (4) Alternative 4 (Low-Density Residential); and (5) Alternative 5 (High-Density Residential).

On August 3, 2009, the Lead Agency conducted a noticed neighborhood forum at the Heritage Park Community Center (2900 S. Brea Canyon Road, Diamond Bar) to solicit comments concerning both the June 2009 SDSP, the five alternatives identified by the Lead Agency, and the information and analysis presented in the DEIR, including the mitigation measures (MM) and those standard conditions and performance standards (Conditions/Standards) listed therein.

On March 19, 2010, pursuant to Section 21092.5(a) of CEQA, the Lead Agency provided written draft responses to each of the governmental entities that submitted written comments on the DEIR, including the California Department of Transportation (Caltrans), the County Sanitation Districts of Los Angeles County (CSDLAC), the County of Los Angeles Fire Department (LACFD), and the County of Los Angeles Public Library (County Library).

On March 20, 2010, the Lead Agency released and disseminated the "Response to Comments on the Draft Environmental Impact Report – 'Site D' Specific Plan, State Clearinghouse No. 2008021014" (RTC or RTC1) addressing written comments received from governmental entities and private parties on the project and DEIR and presenting a revised "'Site D' Specific Plan" (March 2010 SDSP). Constituting the evolutionary progression of the same specific plan project, the February 2008 SDSP, the June 2009 SDSP, and the March 2010 SDSP each assumed the development of 202 dwelling units and 153,985 gross leaseable square feet of commercial use on "Site D." As indicated therein, the intended commercial use would include service-oriented and neighborhood-serving commercial development. With regards to the housing component, although a "for sale" product was specified, the March 2010 SDSP (and its earlier incarnations) did not preclude the development of any of a variety of housing product types, including single-family attached and detached, multi-family attached, condominium, and townhome. While each presented an increasing level of detail and completeness, from a CEQA-based perspective, no substantive differences existed with regards to those three planning documents. As such, each of the three versions of the proposed specific plan are identified as the "March 2010 SDSP" herein and, for the purpose of CEQA compliance, are assumed to constitute the same project, identified herein as the "proposed project."

With regards to the March 2010 SDSP and its accompanying CEQA documentation, City of Diamond Bar Planning Commission hearings were held on April 13, April 27, and May 11, 2010. City of Diamond Bar City Council public hearings were conducted on June 15, July 20, October 19, November 16, December 7, and December 21, 2010.

In addition, on October 16, 2010, the District conducted a community outreach workshop at Castle Rock Elementary School (2975 Castle Rock Road, Diamond Bar). The workshop included a site

tour of the specific plan area. Based, in whole or in part, on information obtained at that workshop, at a noticed public hearing on December 1, 2010, the District Board of Trustees approved recommendations for the land-use development of the District Property. On December 2, 2010, the President of the District's Board of Directors transmitted correspondence to the Lead Agency stating, in part, that "the Board of Trustees of the Walnut Valley Unified School District recommends (1) that Site D be developed 100% residential with minimal peripheral open space, green belt and park areas with a monument to mark the entrance into Diamond Bar, and (2) that the residential density be reduced to less than 20 units per acre."

On December 7, 2010, in response to public comments concerning the March 2010 SDSP, correspondence from the President of the District's Board of Trustees dated December 2, 2010, and the Council's independent deliberations, the Council directed the Department to formulate another alternative to the March 2010 SDSP eliminating the commercial component, decreasing the number of residential dwellings from 202 to 200 units, and incorporating both a public park consisting of at least two net usable acres and a greenbelt area separating the development from abutting residential properties. In response to the Council's directive, the Department prepared an alternative specific plan document, identified as "Alternative 6" or the "January 2012 'Site D' Specific Plan" (January 2012 SDSP). The January 2012 SDSP was subsequently introduced and examined to a comparable level of detail as that presented for the March 2010 SDSP in a separate CEQA document, identified as "Response to Comments No. 2 - Draft Environmental Impact Report for the 'Site D' Specific Plan, State Clearinghouse No. 2008021014" (RTC2), released and disseminated by the Department on or about January 30, 2012.

As stipulated under CEQA and the State CEQA Guidelines, upon certification of the FEIR, if so certified, the Department will prepare and file a "Notice of Determination" (NOD) with the County Clerk within five working days of the Lead Agency's action. Because the specific plan's implementation will require discretionary approval from one or more State agency, the NOD will also be filed with the SCH.

1.5 Project Objectives

It is the objective of the City to promote and facilitate the attainment of those goals, objectives, plans, and policies as contained in the "City of Diamond Bar General Plan" (General Plan). Specifically, those objectives include, but are not limited to, the following excerpts from the General Plan: (1) Require that new development be compatible with surrounding land uses (Strategy 2.2.1, Land Use Element); and (2) Balance the retention of the natural environment with its conversion to urban form (Strategy 3.3.1, Land Use Element).

As authorized under Section 65450 et seq. in Article 8 in Chapter 3, Division 1 of the CGC, a specific plan is a regulatory tool that local governments can use to guide development in a localized area. A specific plan serves as a tool for the systematic implementation of the general plan and can effectively establish a linkage between the implementing policies of the local general plan and individual development proposals in a defined area. In accordance therewith, the City has elected to prepare and process a specific plan for the purpose of defining the types of permitted and conditionally permitted uses that the City believes to be appropriate for the project site and the project setting, to define reasonable limits to the intensity/density of those uses, and to establish the design/development standards for those uses.

On March 18, 2008, as noted in the approved Minutes of the City Council Regular Meeting of the City of Diamond Bar, Item 4 (Response to Public Comments), the City Manager noted that the "City has no interest in development of the property other than to have it be an effective,

appropriate and suitable land plan for the City." With regards to the March 2010 SDSP, as indicated in the DEIR, the following broad project objective was derived from Section 22.60.020 (Applicability) and Section 22.60.060 (Adoption of Specific Plan) in Chapter 22.60 (Specific Plans) in Title 22 (Development Code) of the "City of Diamond Bar Municipal Code" (Municipal Code): Prepare a specific plan which provides for flexibility, encourages the innovative use of land, provides for the development of a variety of housing and other development types, assists in the comprehensive master planning of the project site, and is consistent with the General Plan and other adopted goals and policies of the City (Objective 1).

Since the MOU between the City and the District constitute a declaration of the intent of both parties, that document contains information that can be utilized in the formulation of project objectives. As indicated in the DEIR, the following objectives were derived from that document and assigned by the Lead Agency to the WVUSD, in the District's role as project proponent: (1) District desires the disposition of the School Property to yield the maximum return to the District for the benefit of its constituents and its educational mission (Objective 2); and (2) City desires that the School Property and the City Property be developed in a manner as to assure compatibility with and to meet the needs of the surrounding area and to provide a desirable level of sales tax revenues to the City (Objective 3). In addition, based on the MOU, the Lead Agency identified the following additional project-related objectives: (1) With regards to the project site, pursue the establishment of site-specific land-use policies that allows the development of the property, accommodating the provision of additional housing opportunities and the introduction of revenue-generating uses (Objective 4); and (2) Establish a specific plan as the guiding land-use policy mechanism to define the nature and intensity of future development and to establish design/development parameters for the project site, so as to allow conveyance of the subject property to one or more developers and/or master builders and provide to the purchasers reasonable assurance as to the uses that would be authorized on the project site and the nature of those exactions required for those uses (Objective 5).

In response to the Lead Agency's receipt of the District's December 2, 2010 correspondence and based on both the Council's December 7, 2010 directive and the execution of the Third Amendment to the MOU, as discussed in RTC2, the Lead Agency modified two of the project's stated objectives to reflect that change. As indicated, in lieu of Objectives 2 and 3, the following revised objectives were formulated by the Lead Agency: (A) District desires the disposition of the School Property to yield a reasonable return to the District for the benefit of its constituents and its educational mission (Objective 2R); and (B) City desires that the School Property and the City Property be developed in a manner as to assure compatibility with and to meet the needs of the surrounding area and to ensure an appropriate use of the City Property and reasonable return to the City (Objective 3R).

As noted, based on both the WVUSD's request that the District Property be developed for "100% residential with minimal peripheral open space, green belt and park area" and the absence of a highest-and-best-use real property analysis, when comparing Objective 2 (from the DEIR) and Objective 2R (from RTC2), the Lead Agency substituted "reasonable return" for "maximum return." When comparing Objectives 3 and 3R, based on the elimination of an on-site sale-tax generator, the Lead Agency substituted "and to ensure an appropriate use of the City Property and a reasonable return" for "desirable level of sales tax revenues."

1.6 Project Description

With regards to the District Property, the City Property, and the County Property, the "'Site D' Specific Plan" (SDSP) encompasses approximately 30.36-acres and contains a number of

related elements, including both specific discretionary actions which are presently before the City and later discretionary actions which can be reasonably anticipated as a result of those actions which are presently under review. From a planning perspective, the Lead Agency is considering the possible adoption of a proposed specific plan (Specific Plan No. 2007-01) authorizing the development and occupancy of the subject property for the uses, density, and development standards specified therein. From a project-related perspective, it is assumed that the project site would be developed to accommodate those permitted and conditionally permitted land uses authorized under the approved specific plan and developed to the maximum intensity allowable thereunder.

Based on the site's existing General Plan and zoning designations, the specific plan's implementation would necessitate a General Plan amendment (GPA No. 2007-03) from "Public Facility (PF)" and "General Commercial (C)" to "Specific Plan" (SP)," with a corresponding zone change (ZC) from "Low Medium Residential (R-1 7,500)," "Low Density Residential (R-1 10,000)," and "Neighborhood Commercial (C-1)" to "Specific Plan (SP)." Also proposed is the approval of Specific Plan No. 2007-01 and such other entitlements as may be required for the specific plan's effectuation. Prior to taking those actions, the Lead Agency must first certify the adequacy of the FEIR, adopt applicable CEQA findings, adopt feasible measures to mitigate the significant adverse impacts of the project, and adopt a statement of overriding considerations should it be determine that the project the Lead Agency elects to approve will result in significant environmental effects that are identified in the FEIR but which are not avoided or substantially lessened through the adoption of feasible mitigation measures or project alternatives.

Following the adoption of the specific plan, the City and the District may enter into a transferable development agreement for the purpose of facilitating the implementation of the specific plan and the development of the project site, cooperate in the sale of the District Property and the City Property to one or more developers, master builders, or other parties, and take such other related actions as may be required for the disposition of those properties and the effectuation of the specific plan.

As indicated in the project's CEQA documentation, with regards to the "Site D" Specific Plan" (SDSP), a number of conservation-based and development-oriented options are presently before the Lead Agency's decision-making body. Those options are summarized below.

1.6.1 March 2010 "Site D" Specific Plan (Proposed Project)

As envisioned by the parties at the time of execution of the original MOU on July 1, 2007, the proposed SDSP was to include a mix of residential and commercial uses based upon a mutually agreed upon site plan. Of the usable acreage, a minimum of 50 percent will be designated for residential development and 50 percent will be designated for commercial use, exclusive of necessary infrastructure. The March 2010 SDSP was, therefore, based on those parameters.

On December 1, 2010, the District's Board of Trustees voted to request that the Lead Agency alter the original development concept for the "Site D" property to delete the previously proposed commercial use. The actions of the District's Board of Trustees are outlined in correspondence from the President of the Board to the Council, dated December 2, 2010. As indicated therein, the District now requests that "Site D be developed 100% residential." Two related actions then followed. On December 7, 2010, as referenced in the minutes of that meeting, the Council voted, in part, "to eliminate the commercial component for Site D and move to a density of 200 unit project of single family homes." On January 19, 2011, the parties

amended the MOU (Third Amendment) and the development concept for the "Site D" property, stating, in part, that "[t]he specific plan will entitle a project to consist of not more than 200 residential dwelling units and dedicated parkland."

CEQA may, therefore, differ from other aspects of the entitlement process in that the March 2010 SDSP remains the "proposed project" under CEQA but another development-oriented option may have gained momentum because it meets the project proponent's objectives and effectively mitigates the significant environmental effects associated with that project. Although an alternative specific plan was subsequently prepared by the Department, until such time as an alternative plan is adopted, if so adopted, the March 2010 SDSP remains under consideration by the Lead Agency's decision-making body and, as reflected in the project's CEQA documentation, constitutes the "proposed project" therein. As used herein, the term "proposed project" is not intended to reflect the project described in the District December 2, 2010 correspondence, the project described in the Council's December 7, 2010 directive, nor the project described in the January 19, 2011 amendment to the MOU. Rather, the term is used herein to denote that project and those contemplated discretionary actions described in the Initial Study, NOP, DEIR, NOC, NOA, and RTC1, namely the March 2010 SDSP.

Under the provisions of the March 2010 SDSP, a maximum of 202 dwelling units and 153,985 square feet of commercial use could be developed on the project site. Development of the project site would involve approximately 390,000 cubic yards of earth movement to create the project's major building pads and circulation system. Primary access to both the proposed project's residential and commercial components would be obtained from Diamond Bar Boulevard, via a new signalized intersection located at Cherrydale Drive. Secondary access to the commercial area would be provided along Brea Canyon Road, via a right-in and right-out only point of ingress and egress. Additional emergency-only access to the project site would be provided from Pasado Drive.

The County's existing Brea Canyon Storm Drain Channel would be covered and become an underground drainage facility as it traverses the project site. To convey the 50-year discharge, the proposed channel section would become a 9-feet tall by 8-feet wide, double cell, reinforced concrete box (RCB) with an average cover of 20 feet. Fifty feet of transition box would be constructed from the proposed RCB section to the existing culvert section under Diamond Bar Boulevard. A transition structure downstream of the proposed RCB would be constructed to join the existing trapezoidal channel.

Potable and reclaimed water will provided by the Walnut Valley Water District (WVWD). Wastewater collection and treatment will be provided by the City and by the County Sanitation Districts of Los Angeles County (CSDLAC). With regards to sanitary sewers, sewer flows originating from the project site would discharge to existing City-operated sewer lines in Diamond Bar Boulevard. The City operates an 8-inch diameter vitrified clay pipe (VCP) sewer line that runs in a southerly direction along Cherrydale Drive to Sewer Pump Station No. 1 (Fountain Springs). The pump station is under the jurisdiction of the CSDLAC. The City also operates an existing 14-inch diameter cast iron pipe (CIP) force main that discharges flows from the same pump station. The project would connect to the existing 8-inch diameter VCP line. Based on the topography, an additional sewer lift station may be required. With regards to potable water, the WVWD operates two potable water lines in Diamond Bar Boulevard, including a 12-inch diameter AC line on the south side of the road (Pressure Zone 1050) and a 10-inch diameter asbestos-cement (AC) line on the north side of the road (Pressure Zone 875). The project could connect to either line.

As outlined in the March 2010 SDSP and the various technical studies accompanying that document, a number of preliminary engineering plans have been prepared by the Lead Agency. Those conceptual plans include land-use, grading, drainage, and circulation (including proposed street sections). The conceptual grading plan illustrated the creation of three "super pads," containing approximately 4.02, 6.05, and 10.09 net acres. Two pads (totaling 10.07 net acres) were allocated for residential use and one pad (totally 10.09 net acres) was allocated for commercial use. Assuming 202 dwelling units, the resulting residential density authorized under the March 2010 SDSP was about 20 units/net acre.

Under this development scenario, a tentative subdivision map (Tentative Map No. 70687) is being concurrently processed. Tentative Map No. 70687 delineated separate development areas within the subject property for conveyance to subsequent holders of real property interests, as well as establishing an internal circulation system and common open space areas. Tentative subdivision maps are governed by the provisions of the Subdivision Map Act, as codified in Section 66410-66499.58 of the CGC, and Chapter 21.20 (Tentative Map Filing and Processing), Chapter 21.22 (Parcel Maps and Final Maps), and Chapter 21.30 (Subdivision Design and Improvement Requirements) in Title 21 (Subdivisions) of the Municipal Code.

1.6.2 January 2012 "Site D" Specific Plan (Alternative 6)

The January 2012 SDSP constitutes the alternative to the March 2010 SDSP resulting from the District's December 2, 2010 correspondence to the Council, the Council's December 7, 2010 directive, and the January 19, 2011 amendment to the MOU (Third Amendment). An environmental analysis of the January 2012 SDSP, including those revisions to the DEIR resulting therefrom, is presented in RTC2. Reference to the DEIR herein is intended to be inclusive of RTC1.

Under the provisions of the January 2012 SDSP, a maximum of 200 dwelling units and a new neighborhood park consisting of not less than 2.0 net acres of useable area could be developed on the project site. No on-site retail commercial, general commercial, or office professional uses would be authorized on the project site. As indicated in the January 2012 SDSP, unless otherwise specified, permitted and conditionally permitted uses shall include those allowed under Section 22.08.030 (RLM Zone) of the Development Code. Through its inclusion and comparable analysis in the RTC2, the January 2012 SDSP (Alternative 6) constitutes one of a number of CEQA-authorized alternative development-oriented or conservation-based options for the "Site D" property.

Assuming a gross area of 30.36 gross acres (rounded to 30.4 gross acres), the resulting residential density allowable under the January 2012 SDSP is approximately 6.6 dwelling units per gross acre. If the same approximately 20.16 net acre (rounded to 20.2 net acres) development footprint associated with the March 2010 SDSP is assumed, residential densities increase to approximately 9.9 dwelling units per net acre.

The January 2012 SDSP specifies that residential units within project area will consist of "attached and/or detached, owner-occupied single-family product types." At the density and unit total allowable under the specific plan, it is unlikely that lots conforming to RLM zoning district standards (i.e., 8,000 square foot minimum lot size). In order to accommodate 8,000 square foot minimum lots, residential densities cannot exceed about 5.4 units per acre, thus necessitating a reduction in the number of dwelling units to be constructed on the project site. For the purpose of CEQA compliance, the 200 dwelling unit assumption has been maintained.

Recent development activity in the City suggests that the historic distinction between "single-family" and "multi-family" housing products is less clearly differentiated. Medium to high density, small lot residential subdivisions involving detached "single-family" housing types have been processed as "condominium" projects. As a result, because it likely reflects the nature of the resulting development, without precluding the development of other product types, the CEQA analysis is based on the assumption that the resulting housing product is more characteristic of "townhouse and condominium" development.

As defined in the Federal Housing Administration's (FHA) "Condominium Project Approval and Processing Guide" (FHA, June 30, 2011), "site condominiums" are "single family totally detached dwellings (no shared garages or any other attached buildings) encumbered by a declaration of condominium covenants or condominium form of ownership."

Primary vehicular access to the project site will align with either Crooked Creek Drive or Cherrydale Drive via a proposed signalized intersection at Diamond Bar Boulevard. Traffic traveling westbound on Diamond Bar Boulevard will access the primary street via a new single-lane left-turn pocket to be constructed within the median along Diamond Bar Boulevard. "Emergency vehicle access" and pedestrian access to and from the project site will be provided via Pasado Drive.

A new neighborhood park, consisting of not less than 2.0 usable acres, would be constructed within the specific plan boundaries. Park improvements, including the creation of a connection to the trail system along Brea Canyon Road, shall be the responsibility of the site's subsequent developer. Although a minimum 2.0-acre park dedication is assumed herein, nothing in the January 2012 SDSP or in the accompanying CEQA documentation would preclude the dedication of more real property. Vehicular access to the neighborhood park will be provided via a signalized entry at the intersection of Cherrydale Drive/Diamond Bar Boulevard or at the intersection of Crooked Creek Drive/Diamond Bar Boulevard. Additional pedestrian access to the proposed neighborhood park will be provided from Posado Drive. The public park shall include opportunities for pedestrian and bike trails with linkages to the sidewalks on Brea Canyon Road and Diamond Bar Boulevard.

A landscaped "entry feature" will be established near the corner of Diamond Bar Boulevard and Brea Canyon Road, predominately in the vicinity of the City Property. The entry feature is intended to establish a visual "landmark" or "gateway" along one of the City's prominent arterial highways. As specified in the January 2012 SDSP, at minimum, the entry feature shall have a value not less than one-half (0.005) percent of the building permit valuation of the proposed residential development. The Lead Agency further seeks to promote the integration of this design feature into the project's overall visual character, allowing for a unifying design theme which serves to visually and/or physically link the entry feature with the proposed neighborhood park and the site's residential development.

Although no conceptual grading plan has been formulated at this time, for the purpose of impact assessment, it is assumed that the entire project site will be grubbed (denuded of existing vegetation), graded, and recontoured to accommodate the residential development, park facilities, and circulation system authorized under the January 2012 SDSP. In the absence of a conceptual grading plan, with regards to Alternative 6 (January 2012 SDSP), the Lead Agency has assumed that the physical area of site disturbance, the location of cut-and-fill slopes, the location and size of retaining walls, and grading quantities generally remain as described in the DEIR for the March 2010 SDSP. However, under the proposed project (March 2010 SDSP), the southwesterly portion of the project site was extensively graded in order to lower the elevation of

the commercial pad and enhance the visibility of the previously proposed commercial use from abutting streets. Although the January 2012 SDSP continues to illustrate a number of "super pads" upon which development would occur, the need for or perceived benefit in enhanced street-scale visibility no longer exists. As a result, actual grading quantities should be less than assumed as part of the CEQA analysis.

Although no conceptual drainage plan has been formulated for the January 2012 SDSP at this time, for the purpose of impact assessment, it is assumed that the drainage plan will be similar to that associated with the March 2010 SDSP and that, absent the previously proposed commercial component and the impervious surfaces associated with on-site parking, post-project drainage flows will be at levels less than those assumed in the DEIR.

The conceptual water and sewer systems identified and the improvements described in the DEIR for the March 2011 SDSP are assumed to remain applicable to the January 2012 SDSP. Because a lesser intensity of development is proposed under this alternative than associated with the March 2011 SDSP, some of the improvements identified therein may not be required to adequately service the subject property or, if required, could be of lesser size or configuration.

With regards to site development, the January 2012 SDSP emphasizes the use of "project sustainability" and "green building design elements." Numerous energy conservation features are outlined in the specific plan which, if adopted, constitute design/development obligations imposed on the subsequent site developer.

Under this alternative, no tentative subdivision map is being concurrently processed; however, the subsequent processing of that tentative map is an anticipated consequence of the specific plan's approval.

1.6.3 Other Alternatives

In addition to the proposed project (March 2010 SDSP) and the January 2012 SDSP (Alternative 6), as required under Section 15126.6(a) of the State CEQA Guidelines, the FEIR examined a range of reasonable alternatives. As stipulated therein: "An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation."

In addition to the "no project" alternative (Alternative 1), as mandated under Section 15126(e) of the State CEQA Guidelines, the following development-oriented alternatives were also examined therein: (1) a "public facilities" alternative (Alternative 2); (3) a "community commercial" alternative (Alternative 3); (4) a "low-density residential" alternative (Alternative 4); and (5) a "high-density residential" alternative (Alternative 5). Although other alternatives are broadly addressed in the DEIR, only the March 2010 SDSP and the January 2012 SDSP are examined to a comparable level of analytical detail in the FEIR.

To the extent that a specific alternative would reduce or eliminate one or more of the significant environmental effects of the proposed project (March 2010 SDSP), as authorized under and subject to the stipulations of CEQA and the State CEQA Guidelines, the Lead Agency has the authority to select a feasible alternative in lieu of the proposed project (March 2010 SDSP). As used throughout these findings, the term "project" could be equally applied to the March 2010 SDSP, to the January 2012 SDSP, or to any other development-oriented alternative subsequently selected by the Lead Agency's decision-making body for implementation.

1.7 Project Applicant

The State CEQA Guidelines defines "Applicant" to mean "a person who proposes to carry out a project which needs a lease, permit, license, certificate, or other entitlement for use or financial assistance from one or more public agencies when that person applies for the governmental approval or assistance" (14 CCR 15350). Although the District and the City are both working cooperative to prepare and process the SDSP, including its associated entitlements, it is not envisioned that either public agency would proceed with the development of the "Site D" property. The term "Applicant," as used herein and throughout the project's environmental review record, is intended to apply to not only the District and the City, as the proponents of the proposed specific plan, but also to that (those) subsequent holder(s) of real property interests that will serve as the developer(s) and/or master builder(s) for those uses authorized therein and who may seek discretionary actions from the Lead Agency and from other responsible agencies for those development activities, infrastructure improvements, and other actions and programs that may be authorized under the provisions of the adopted specific plan, if so adopted.

The City is serving in the dual role of both "Applicant" and CEQA "Lead Agency." This dual role is typical of most public projects and is authorized under CEQA, the State CEQA Guidelines, and established agency practices. Based on the legal and ethical standards to which governmental agencies are held, no inherent conflict is established when a public agency serves in that dual role.

2.0 IDENTIFIED HOUSING NEEDS IN THE CITY OF DIAMOND BAR

As required under Section 65580 of the CGC: "The Legislature finds and declares as follows: (a) The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every California family is a priority of the highest order. (b) The early attainment of this goal requires the cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of Californians of all economic levels. (c) The provision of housing affordable to low- and moderate-income households requires the cooperation of all levels of government. (d) Local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provisions for the housing needs of all economic segments of the community. (e) The Legislature recognizes that in carrying out this responsibility, each local government also has the responsibility to consider economic, environmental, and fiscal factors and community goals set forth in the general plan and to cooperate with other local governments and the state in addressing regional housing needs."

As required under California law, each municipality is required to prepare a comprehensive general plan as a guide for its physical development. Each general plan is required to contain seven mandatory elements, including a housing element. As specified in Section 65581 of the CGC, in requiring the preparation of that element, it is the intent of the State Legislature to: (1) assure that counties and cities recognize their responsibilities in contributing to the attainment of the State housing goal; (2) assure that counties and cities will prepare and implement housing elements which, along with federal and State programs, will move toward attainment of the State housing goal; (3) recognize that each locality is best capable of determining what efforts are required by it to contribute to the attainment of the State housing goal; and (4) ensure that each local government cooperates with other local governments in order to address regional housing need, including special needs.

State planning law requires that each municipality periodically update the housing element of its local general plan. On April 19, 2011 (Resolution No. 2011-11), the Council adopted the "City of Diamond Bar 2008-2014 Housing Element" outlining the City's housing strategy for the 2008-2014 time period. The updated Housing Element includes the Southern California Association of Governments (SCAG) adopted Regional Housing Needs Assessment (RHNA) for the 2008-2014 time period, identifying the number of new housing units (by income category) needed to accommodate projected growth within the City. As reflected therein, the City's allotted share of regional growth is represented as 1,090 new housing units, including 284 very-low income units, 179 low-income units, 188 moderate-income units, and 440 above moderate-income units.

In order to address regional housing needs, the CGC contains specific requirements for regional housing needs assessments (RHNA). Section 65581 of the CGC requires cities and counties to recognize their responsibilities in contributing to the attainment of the State's housing goal and acknowledges that each locality is best capable of determining what efforts are required. As indicated in pertinent part in Section 65584(a) of the CGC: "For purposes of subdivision (a) of Section 65583, the share of a city or county of the regional housing needs includes that share of the housing need of persons at all income levels within the area significantly affected by a general plan of the city or county. . .The appropriate council of governments shall determine the share for each city or county consistent with the criteria of this subdivision."

The RHNA is a planning target and not a formal development quota. As part of the Housing Element update, each municipality is required to analyze the potential development capacity of vacant or underutilized sites and identify an "inventory" of parcels at appropriate densities that could accommodate the RNHA allocation of new housing units. The Housing Element analysis concluded that the City possessed insufficient inventory to accommodate the RHNA allocation in the "very low" and "low" income categories. As a result, the City is required to create additional opportunities for affordable housing through a rezoning program. State law recognizes that cities generally do not build housing and, while cities are not required to achieve their RHNA targets, they are required to rezone land if there is not adequate capacity to accommodate the number and type of housing units allocated in the RNHA.

The City's adoption of the Housing Element update did not, in and of itself, produce a change of zone or amend an existing General Plan land-use. As indicated in "Agenda Report 7-1 (2008-2014 Housing Element Update [General Plan Amendment No. PL 2011-43])," as presented to the Council by the Department on April 19, 2011, following adoption of the Housing Element update, the City will initiate the environmental studies needed to assist the Commission and the Council in identifying the appropriate sites to be rezoned. Because the implementation of the proposed SDSP or one of a number of alternatives thereto would resulting in a General Plan amendment (GPA) and zone change (ZC) of lands within the City from a non-residential to a residential land use, those actions would serve to further the requirements of State housing law and the City's obligations thereunder.

3.0 INTRODUCTION TO FINDINGS

3.1 Applicable Provisions of CEQA and the State CEQA Guidelines

Section 21001(d) of CEQA codifies the important Statewide policy of "ensur[ing] that the long-term protection of the environment. . .shall be the guiding criterion in public decisions." In Laurel Heights Improvement Assn. v. Regents of University of California (1988), the court noted that "[t]he foremost principle under CEQA is that the Legislature intended the act 'to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable

scope of the statutory language.'" 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" (Mountain Lion Foundation v. Fish and Game Commission [1997]). The State 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" (14 CCR 15364).

Referencing Kings County Farm Bureau v. City of Hansford (Fifth District, 1990): "State agencies are required to certify the completion of an EIR 'on any project they propose to carry out or approve' [Citation]. As a matter of logic, the EIR must be prepared before the decision to approve the project. Not until project approval does the agency determine whether to impose any mitigation measures on the project [Citation]. One cannot be certain until then what the exact mitigation measures will be, much less whether and to what degree they will minimize environmental effects."

The DEIR, RTC1, and RTC2 identify a number of environmental impacts which have been categorized as "significant." Relying on the word "or" in Section 21002 and 21002.1 of CEQA (i.e., "agencies should not approve projects as approved if there are feasible alternatives or feasible mitigation measures") and understanding the requirement to be disjunctive so that agencies need only adopt mitigation measures or alternatives but not both, the courts have stated that agencies need not even consider the feasibility of project alternatives if they adopt mitigation measures that "substantially lessen or avoid" projects' significant adverse impacts (Laurel Hills Homeowners Association v. City Council [Citation]. The EIR must 'contain a meaningful discussion of both alternatives and mitigation measures. . .Therefore, we conclude if there is evidence of one or more potentially significant impacts, the report must contain a meaningful analysis of alternatives or mitigation measures which would avoid or lessen such impacts'" (Kings County Farm Bureau v. City of Hanford [1990]).

3.2 Findings of Fact and Statement of Overriding Considerations

The following statement of facts and findings (Findings) has been prepared by the Lead Agency in accordance with the provisions of the CEQA and the State CEQA Guidelines. For planning purposes, the Lead Agency, the SCH, and/or other responsible agencies have or may assign case or file numbers to certain actions now contemplated by the City, by the SCH, and/or by those responsible agencies. With regards to the March 2010 SDSP, those case or file numbers (and the assigning agency) include, but may not be limited to: (1) SCH No 2008021014 (SCH); (2) Environmental Impact Report 2007-02 (City); (3) GPA No. 2007-03 (City); (4) ZC No. 2007-04 (City); (5) Specific Plan No. 2007-01 (City); (6) Development Agreement No. 2012-01; and (7) Tentative Map No. 70687. With the exception of Tentative Map No. 70687, each of those same case numbers remain applicable to the January 2012 SDSP.

References to the March 2010 SDSP and the January 2012 SDSP herein are intended to be inclusive of: (1) each of the above referenced discretionary actions; (2) such additional discretionary and ministerial actions as may be required for or associated with the construction, habitation, occupancy, use, and maintenance of the specific plan and the real property thereupon for the residential, non-residential, and infrastructure-related uses proposed within the geographic area examined in the FEIR; and (4) conditions, standards, and mitigation measures as may be imposed thereupon by the Lead Agency's decision-making body and the decision-making bodies of those responsible agencies with jurisdiction over the project or any aspect thereof.

Section 21081 of CEQA "effectuates the 'substantive mandate' of CEQA by requiring an agency to make certain findings before approving any project with significant effects." Section 21081 provides, in part, that "no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out" unless, among other things, the agency makes one or more of three findings with respect to each significant effect. This document presents the findings of fact and substantial evidence that must be made by the Council, acting in that body's capacity as the Lead Agency's decision-making body, prior to determining whether to certify the FEIR and approve or conditionally approve the SDSP.

The possible findings specified in Section 21081(a) of CEQA and Section 15091(a) of the State CEQA Guidelines, which shall be supported by substantial evidence in the record, include:

(1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects, as identified in the final EIR (Section 21081(a)(1) of CEQA; Section 15091(a)(1), State CEQA Guidelines)

This finding shall be referred to herein as "Finding (1)."

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the findings. Such changes have been adopted by such other agency or can and should be adopted by such other agency (Section 21081(a)(2) of CEQA; Section 15091(a)(2), State CEQA Guidelines)

This finding shall be referred to herein as "Finding (2)."

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR (Section 21081(a)(3) of CEQA; Section 15091(a)(3), State CEQA Guidelines).

This finding shall be referred to herein as "Finding (3)."

With respect to those significant effects that are subject to Finding (1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of project approval to avoid or lessen significant environmental effects. With respect to those significant effects that are subject to Finding (2), the findings shall not be made if the agency making the findings has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. With respect to those significant effects that are subject to Finding (3), the findings shall describe the specific reasons for rejecting identified mitigation measures and alternatives.

As required under Section 21081(b) of CEQA, with respect to significant environmental effects which are subject to a finding under Section 21081(a)(3), the public agency shall find that specific economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment. Section 15093(b) of the State CEQA Guidelines stipulate that, when the lead agency approves a project which will result in the occurrence of significant environmental effects which are identified in the final EIR but which are not avoided or substantially lessened, the agency shall state, in writing, the specific reasons to support its actions based on the final EIR and/or other information in the record.

In Sierra Club v. Contra Costa County (1992), the Court of Appeal explained that "[a] statement of overriding considerations reflects the final stage in the decision[-]making process by the public body. A public agency can approve a project with significant environmental impacts only if it finds such effects can be mitigated or concludes that unavoidable impacts are acceptable because of overriding concerns [Citations]. If approval of the project will result in significant environmental effects which 'are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record' [Citation]. These reasons constitute the statement of overriding considerations which is intended to demonstrate the balance struck by the body in weighing the 'benefits of a proposed project against its unavoidable environmental risks' [Citations]. 'Whereas the [mitigation and feasibility] findings. . .typically focus on the feasibility of specific proposed alternatives and mitigation measures, the statement of overriding considerations focuses on the larger, more general reasons for approving the project, such as the need to create new jobs, provide housing, generate taxes, and the like' [Citation]."

In accordance with Section 15091 of the State CEQA Guidelines, the Council makes the herein referenced findings for each significant environmental effect identified in the FEIR. Those impacts are categorized under the corresponding topical headings presented in the FEIR. Reference to numbers assigned to standard conditions, performance standards, and mitigation measures in these Findings are as presented therein and may differ from those numbers or notations subsequently assigned by the Lead Agency should the City's decision-making body elect to approve or conditionally approve the proposed project (March 2010 SDSP) or some variation thereof.

3.3 Record of Proceedings

For purposes of CEQA and these Findings, at a minimum, the record of proceedings for the FEIR consists of the following documents and other evidence. All references to the FEIR herein shall be assumed to be inclusive of each of the following documents and such other accompanying evidence as may be identified by the Council at the time of certification:

(1) "Initial Study" (February 2008), including all documents expressly cited therein;
(2) "Notice of Preparation" (NOP), "Notice of Completion" (NOC), "Notice of Availability" (NOA), "Notice of Determination" (NOD), and all other public notices issued by the Lead Agency in conjunction with this CEQA process;
(3) "Draft Environmental Impact Report – 'Site D' Specific Plan, SCH No. 2008021014" and "Technical Appendix - Draft Environmental Impact Report – 'Site D' Specific Plan, SCH No. 2008021014" (June 2009) (DEIR), including all documents incorporated by reference therein and all written comments submitted by public agencies and other stakeholders during the public review periods established by the NOP and NOA;
(4) "Response to Comments on the Draft Environmental Impact Report – 'Site D' Specific Plan, SCH No. 2008021014" (March 2010) (RTC or RTC1);
(5) "Response to Comments No. 2 on the Draft Environmental Impact Report – 'Site D' Specific Plan, SCH No. 2008021014" (January 2012) (RTC2)
(6) Other site-specific and/or project-specific technical studies and exhibits not included in the FEIR but explicitly referenced therein;
(7) "Minutes of the City of Diamond Bar Neighborhood Forum of Site 'D' Specific Plan Draft Environmental Impact Report, Heritage Park Community Center, 2900 S. Brea Canyon Road, Diamond Bar, August 3, 2009," as prepared by the City of Diamond Bar Community Development Department (Department);

(8) All written and verbal public testimony presented during noticed scoping meetings and public hearings for the project at which public testimony was taken;
(9) "Mitigation Reporting and Monitoring Program" (MRMP), as required under Section 21081.6 of CEQA, as presented in RTC2, and as subsequently adopted by the Council;
(10) All agendas, staff reports, and approved minutes of the Commission and Council relating to the project;
(11) All maps, exhibits, figure, and text comprising the "'Site D' Specific Plan";
(12) All other public reports, documents, studies, memoranda, maps, and planning documents relating to the "'Site D' Specific Plan" and/or the FEIR, prepared by the Lead Agency, consultants to the Lead Agency, or by other responsible and trustee agencies;
(13) Matters of common knowledge to the City including, but not limited to, federal, State, and local laws, rule, regulations, and standards;
(14) These Findings and all documents expressly cited in these Findings; and
(15) Such other relevant materials required to be in the record of proceedings under Section 21167.6(e) of CEQA.

3.4 Custodian and Location of Records

The following information is provided in compliance with Section 21081.6(a)(2) of CEQA and Section 15091(e) of the State CEQA Guidelines.

The documents, studies, reports, correspondence, and other material comprising the administrative record for the project are located at the City of Diamond Bar Community Development Department (21810 Copley Drive, Second Floor, Diamond Bar, California 91765-4178) and are, upon appointment, available for review during the regular business hours of the Department. The Director of the Community Development Department (Director) is the custodian of record for the project.

3.5 Format of Findings

These Findings have been divided into a number of sections. Those sections and the information presented therein are briefly outlined below.

Section 1.0 (Project Description). This section provides an overview of the proposed project (March 2010 SDSP), describes its location, and identifies the project's stated objectives. Also presented herein is a description of the alternatives to the project identified by the Lead Agency and presented in the project's CEQA documentation.

Section 2.0 (Identified Housing Need in the City of Diamond Bar). This section described the identified housing need within the City, as identified in the General Plan and the Southern California Association of Governments (SCAG) adopted RHNA.

Section 3.0 (Introduction to Findings). This section provides an introduction to these Findings, and describes their purpose and statutory and regulatory bases.

Section 4.0 (General Findings). In addition to the specific findings presented herein, this section identifies the general CEQA findings of the Lead Agency

Section 5.0 (Findings Regarding the Significant Environmental Effects of the Proposed Project [March 2010 SDSP] that Cannot Feasibly be Reduced to Below a Level of Significance should it be Implemented). This section sets forth findings regarding the significant environmental

impacts of the proposed project (March 2010 SDSP) which cannot feasibly be mitigated to a less-than-significant level based on the threshold of significance criteria presented in the FEIR and which will or may which result from the approval, construction, habitation, and/or use of the proposed project (March 2010 SDSP).

Section 6.0 (Findings Regarding the Rejection of the Proposed Project [March 2010 SDSP] and the Selection of Alternative 6 [January 2012 SDSP] for Implementation). In compliance with CEQA's "substantial mandate," in order to avoid or substantially lessen the existence of significant environmental effects, this section sets forth findings regarding the Lead Agency's rejection of the proposed project (March 2010 SDSP) and selection of Alternative 6 (January 2012 SDSP).

Section 7.0 (Findings Regarding the Environmental Effects of Alternative 6 [January 2012 SDSP] that can Feasibly be Reduced to Below a Level of Significance). This section sets forth findings regarding the significant environmental impacts of Alternative 6 (January 2012 SDSP) that either do not manifest at a level of significance based on the threshold of significance criteria presented in the FEIR or which can feasibly be reduced to a less-than-significant level through the imposition of standard conditions (conditions), performance standards (standards), and/or through the adoption of those mitigation measures included in the FEIR and adopted or likely to be adopted in the "Mitigation Reporting and Monitoring Program" (MRMP).

Section 8.0 (Findings Regarding the Lead Agency's Decision not to Recirculate the DEIR Prior to Certification). This section sets forth findings supporting the Lead Agency's decision not to recirculate the DEIR prior to its certification.

Section 9.0 (Findings Regarding the Mitigation Reporting and Monitoring Program). This section contains findings with regards to the MRMP.

Section 10.0 (Findings Regarding those Alternatives not Selected for Implementation). This section provides findings regarding those alternatives to the proposed project (March 2010 SDSP) and to Alternative 6 (January 2012 SDSP) that were examined in the FEIR and considered by the Lead Agency's decision-making body as part of their deliberations but not selected by the Council for implementation following those deliberations.

Section 11.0 (Statement of Project Benefits). This section presents a number of identifiable community benefits attributable to the project.

As applicable for each of the above referenced sections, the significant environmental effects attributable to the proposed project (March 2010 SDSP) and to Alternative 6 (January 2012 SDSP) and identified in the FEIR have been referenced therein. Following each referenced environmental effect, the Lead Agency has identified the findings and facts that constitute the bases for the Lead Agency's actions. The findings set forth in each of the following sections are supported by substantial evidence in the project's administrative record.

The referenced findings and facts presented herein may have relevancy both in the context of the specific environmental effect for which those findings and facts are indicated and for other environmental effects identified in the FEIR and in these Findings. For the purpose of brevity, those findings and facts presented herein are not duplicated under multiple topical issues but should be assumed to collectively constitute the factual basis utilized by the Lead Agency's decision-making body in support of these Findings.

Except as otherwise noted in the FEIR, the threshold of significance criteria utilized by the Lead Agency to assess the significance of project-related and cumulative impacts are based on those criterion contained in Appendix G of the State CEQA Guidelines and constitute criterion which have been used by both the Lead Agency with regards to CEQA documentation which it has prepared for other projects and by other jurisdictions located throughout southern California.

4.0 GENERAL FINDINGS

In addition to the specific findings identified herein, the Council hereby finds that:

(1) The Council finds and certifies that the FEIR constitutes a complete, accurate, adequate, and good-faith effort at full disclosure under CEQA.

(2) The Council finds and certifies that the FEIR and all environmental notices associated therewith have been completed in compliance with CEQA, the State CEQA Guidelines, and local guidelines and procedures;

(3) The Council has independently reviewed and analyzed the FEIR and the FEIR reflects the independent judgment of the Lead Agency's decision-making body;

(4) The Council has neither made any decisions nor taken any actions that would constitute an irretrievable commitment of resources toward the project prior to the certification of the FEIR nor has the Council previously committed to a definite course of action with respect thereto or with regards to the use and utilization of the project site;

(5) Under CEQA, the City is the appropriate "lead agency" for the project and, during these proceedings, no other agency has asserted or contested the City's "lead agency" status;

(6) As part of the CEQA process, in compliance with the provisions of Senate Bill (SB) 18 and OPR's "Supplement to General Plan Guidelines – Tribal Consultation Guidelines" (2005), the Lead Agency notified the appropriate California Native American tribes of the opportunity to conduct consultation for the purpose of preserving or mitigating impacts to cultural places, referred the proposed action to those tribes that are listed on the Native American Heritage Commission's (NAHC) contact list that have or that may have traditional lands within the Lead Agency's jurisdiction, and send notices to tribes that have filed a written request for such notices;

(7) Because the real property examined in the FEIR includes separate properties owned by the City, the District, and the County, the Lead Agency conducted extensive consultation with those governmental entities identified by the Lead Agency in the FEIR which constitute "responsible agencies" under CEQA;

(8) Copies of the Initial Study, NOP, DEIR, and NOC were provided to those responsible agencies identified in the FEIR and each such agency was provided a specified review period to submit comments thereupon;

(8) In compliance with Section 21092.5(a) of CEQA, at least 10 days prior to the certification of the FEIR, the Lead Agency provided its written proposed responses to those public agencies that submitted comments to the Lead Agency on the DEIR;

(9) The potential environmental impacts of the project have been analyzed to the extent feasible at the time of certification of the FEIR;

(10) A MRMP has been prepared identifying those feasible mitigation measures that the Council has adopted or will likely adopt in order to reduce the project's significant environmental effects to the maximum extent feasible;

(11) The mitigation measures adopted or likely to be adopted by the Council will be fully implemented in accordance with the MRMP, verification of compliance will be documented, and each measure can reasonably be expected to have the efficacy and produce the post-mitigated consequences assumed in the FEIR;

(12) Each of the issues to be resolved, as identified in the FEIR and/or subsequently raised in comments received by the Lead Agency during the deliberations of its advisory and decision-making bodies, have been resolved to the satisfaction of the Council;

(13) The Council reviewed the comments received on the FEIR, including, but not limited to, those comments received following the dissemination of the DEIR, and the Lead Agency's responses thereto and has determined that neither the comments received nor the responses presented add "significant new information," as defined under Section 15088.5 of the State CEQA Guidelines, to the DEIR;

(14) The Lead Agency's analysis of greenhouse gas (GHG) emissions complies with the requirements of CEQA and the State CEQA Guidelines, inclusive of those changes thereto resulting from the approval of SB 97, as approved by the Governor on August 24, 2007 and which became effective on March 18, 2010;

(15) Copies of all the documents incorporated by reference in the FEIR are and have been available for review during the regular business hours of the City at the office of the Community Development Department from the custodian of records;

(16) These Findings incorporate by reference such other findings as may be required under Sections 65454, 65455, 66474, 66474.4, 65853, and 65860 of the CGC and those corresponding finding required under the Municipal Code; and

(17) Having received, reviewed, and considered all information and documents in the record, the Council has or will impose conditions, standards, and mitigation measures and has or will take other reasonable actions to reduce the environmental effects of the project to the maximum extend feasible and makes the findings stated herein.

5.0 FINDINGS REGARDING THE SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROPOSED PROJECT (MARCH 2010 SDSP) THAT CANNOT FEASIBLY BE REDUCED TO BELOW A LEVEL OF SIGNIFICANCE SHOULD IT BE IMPLEMENTED

With regards to the March 2010 SDSP, the Council has determined that existing statutes, regulations, uniform codes, project design features, conditions, standards, and mitigation measures included in the FEIR will result in a substantial reduction of most but not all of those environmental effects identified in the FEIR. Notwithstanding the existence of those statutes, regulations, conditions, standards, codes, features, and measures, the Council finds that no feasible mitigation measures exist that would reduce those environmental impacts to a less-than-significant level. The following significant environmental effects will continue to exist should the Council approve or conditionally approve the March 2010 SDSP. The significant environmental effects presented herein are extracted from Table ES-1 (Summary of Environmental Impacts and Level of Significance) and from the corresponding analysis presented in the DEIR.

5.1 Environmental Effect: Construction of the proposed project [March 2010 SDSP] has the potential to violate or add to a violation of air quality standards (Air Quality Impact 7-2).

Finding: The Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) With regards to the proposed project (March 2010 SDSP), project-related and cumulative air quality impacts are addressed, in part, in Section 4.7 (Air Quality) in the DEIR and in Section 3.3.7 (Air Quality) in RTC2 and those analyses are incorporated herein by reference.

(b) During construction, air quality impacts will occur during site preparation and construction activities. Major sources of emissions during construction include exhaust emissions, fugitive dust generated as a result of soil and material disturbance during grading activities, and the emission of reactive organic gases (ROGs) during site paving and the painting of structures.

(c) For the purpose of environmental analysis, the terms "reactive organic gases" (ROGs), "reactive organic compounds" (ROCs), and "volatile organic compounds" (VOCs) are used interchangeably.

(d) The air quality analysis of the construction and operation of the proposed project (March 2010 SDSP) was conducted in accordance with the then existing methodology presented in the South Coast Air Quality Management District's (SCAQMD) "CEQA Air Quality Handbook" (SCAQMD, April 1993), "Localized Significance Threshold Methodology" (SCAQMD, June 2005), and updates included on the SCAQMD Internet website. The analysis made use of the URBEMIS2007 urban emissions model (Version 9.4.2) for the determination of daily construction and operational emissions, the United States Environmental Protection Agency's (USEPA) SCEEN3 Dispersion model for localized construction impacts, the provisions of the California Department of Transportation's (Caltrans) "Transportation Project-Level Carbon Monoxide Protocol," and the CALINE4 computer model for on-road carbon monoxide (CO) dispersion modeling.

(e) The analysis of the potential short-term (construction) air quality impacts of the proposed project (March 2010 SDSP) was conducted in a manner consistent with the emissions assessment methodology recommended by the SCAQMD at the time of the DEIR's preparation.

(f) Based on the SCAQMD's recommended threshold criteria of 75 pounds of ROG per day, application of the URBEMIS2007 emissions model indicated that ROG emissions associated with the application of paints and coatings for those uses authorized under the proposed project (March 2010 SDSP) would result in a significant short-term air quality impact. Specifically, the URBEMIS2007 model showed that the residential portion of the proposed project (March 2010 SDSP) would produce 66.39 pounds of ROG per day from paints and coatings (less than the recommended threshold) and the commercial portion of the proposed project would produces 173.62 pounds of ROG per day (more than the recommended threshold).

(g) With regards to the proposed project (March 2010 SDSP), because ROG emissions would exceed the SCAQMD's recommended significance threshold during the construction phase, the Lead Agency formulated the following mitigation measures (MM) to reduce that short-term impact to the maximum extent feasible: (1) All non-residential paints shall contain no more than 0.22 pound/gallon (100 gram/liter) of volatile organic compound (VOC) (MM7-1); and (2) The Applicant shall abide by any other air pollution reduction measures as may be approved by the City of Diamond Bar and/or by the SCAQMD (MM 7-2).

(h) In addition to those mitigation measures identified by the Lead Agency, all projects constructed in the South Coast Air Basin (SCAB) are subject to standard conditions and uniform codes. Compliance with those conditions and codes is mandatory and, as such, does not constitute mitigation under CEQA. Those conditions mandated by the SCAQMD include, but are not limited to: (1) Rule 403 requiring the use of Best Available Control Technologies (BACT) during construction and setting requirements for dust control associated with construction activities; (2) Rules 431.1 and 431.2 requiring the use of low sulfur

fuel for stationary construction equipment; and (3) Rules 1108 and 1113 settings limitations on ROG content in asphalt and architectural coatings, respectively.

(i) Notwithstanding the implementation of all feasible mitigation measures and the project's adherence to applicable standard conditions, uniform codes, and SCAQMD rules and regulations, other than through a substantial reduction in the size of the project and/or implementation of an alternative to the proposed project (March 2010 SDSP), projected construction-term ROG emissions would remain at levels in excess of the SCAQMD's recommended threshold criteria.

(j) One of the alternatives examined in the FEIR is Alternative 6 (January 2012 SDSP) which, among other things, eliminates the 153,985 square feet of commercial use authorized under the proposed project (March 2010 SDSP) and reduces the number of residential units from 202 to 200 dwellings. The elimination of the commercial use and the reduction in the number of residential units would substantially reduce the square footage of allowable on-site development requiring the application of architectural coatings. The URBEMIS2007 emissions model shows that the construction of the 202 dwelling units authorized under the proposed project (March 2010 SDSP) would not exceed the SCAQMD's threshold standard for ROG during the construction phase.

(i) In February 2011, the SCAQMD released a new analytical tool, the California Emissions Estimator Model (CalEEMod) (Version 2011.1.1), capable of calculating both criteria pollutants and GHG emissions. Although representing separate methodologies and yielding slightly different results, the general comparability of the URBEMIS2007 and CalEEMod analysis was demonstrated in the FEIR based on a technical comparison prepared by and presented in the SCAQMD's "Technical Paper – Methodology Reasoning and Policy Development of the California Emission Estimator Model" (SCAQMD, July 2011).

(j) The potential short-term air quality impacts associated with the implementation of Alternative 6 (January 2012 SDSP) were analyzed using the CalEEMod emissions model. As indicated, with regards to criteria pollutants, all values (including ROG) were determined to fall below their respective thresholds and the projected short-term air quality impact of Alternative 6 (January 2012 SDSP) alternative would be less than significant.

(k) Based on the CalEEMod emissions modeling conducted for Alternative 6 (January 2012 SDSP), with the exception of Alternative 1 (No Project), it can be reasonably concluded that any residential development project of comparable or lesser size/scale developed on the project site and operating under the same general assumptions would produce similar construction-term air quality impacts. Under Alternative 4 (Low-Density Residential), a total of 60 dwelling units would be constructed on the project site. With regards to criteria pollutants, short-term air quality impacts attributable to Alternative 4 (Low-Density Residential) are assumed to be less than significant.

(l) With regards to criteria pollutants, the implementation of the proposed project (March 2010 SDSP), as feasibly mitigated and conditioned, would not result in the avoidance of significant short-term air quality impacts

(m) With regards to criteria pollutants, since no significant short-term air quality impacts would result from their approval, with the exception of Alternative 1 (No Project), the implementation of Alternative 4 (Low-Density Residential) or Alternative 6 (January 2012 SDSP) would reduce short-term air quality impacts to a less-than-significant level.

5.2 Environmental Effect: Operation of the proposed project [March 2010 SDSP] has the potential to violate or add to a violation of air quality standards (Air Quality Impact 7.3).

Finding: The Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) With regards to the proposed project (March 2010 SDSP), project-related and cumulative air quality impacts are addressed, in part, in Section 4.7 (Air Quality) in the DEIR and in Section 3.3.7 (Air Quality) in RTC2 and those analyses are incorporated herein by reference.

(b) The analysis of the potential long-term (operational) air quality impacts of the proposed project (March 2010 SDSP) was conducted in a manner consistent with the emissions assessment methodology recommended by the SCAQMD at the time of the DEIR's preparation.

(b) With regards to criteria pollutants, the major source of long-term air quality impacts is that associated with the emissions produced from project-generated vehicle trips. With regards to mobile source emissions, based on the findings of the traffic analysis, the proposed project (March 2010 SDSP) is estimated to produce 9,276 average daily vehicle trips (ADT).

(c) Emission projections associated with vehicle trips attributable to the proposed project (March 2010 SDSP) were based on the URBEMIS2007 emissions model and assumed site occupancy in 2009. Since emissions per vehicle are reduced annually due to the tightening of emissions restrictions and the replacement of older vehicles, the use of 2009 emission factors serves to prevent a worst-case analysis with regards to air quality impacts associated with the implementation of the March 2010 SDSP.

(d) For the proposed project (March 2010 SDSP), operational ROG, nitrogen oxides (NOx), and carbon monoxide (CO) emissions were projected to exceed the SCAQMD recommended threshold of significance values for those criteria pollutants and the impact is significant. The SCAQMD's recommended threshold criteria of 55 pounds of ROG per day, 55 pounds of NOx per day, and 550 pounds of CO per day. The URBEMIS2007 emissions model indicated that ROG, NOx, and CO would be approximately 84.44, 131.95, and 933.86 pounds per day, respectively.

(e) Operational emission projections for ROG, NOx, and CO exceed the SCAQMD's recommenced threshold value by approximately 153.5, 239.9, and 169.8 percent, respectively. Said another way, emission projections would need to be reduced by about 29.44 (84.44-29.44=55), 76.95 (131.95-76.95=55), and 383.86 (933.86-383.86=550) pounds per day or by about 34.9 (29.44/84.44=0.349), 58.3 (76.95/131.95=0.583), or 41.1 (383.86/933.86=0.411) percent per day, respectively, in order to fall below SCAQMD's recommended threshold of significance. Of these three criteria emissions, because NOx would require the greatest percentage reduction (58.3 percent), nitrogen oxides may be the controlling variable with regards to operational air quality impacts.

(f) With regards to the proposed project (March 2010 SDSP), because project operations are projected to create ROG, NOx, and CO emissions in excess of the SCAQMD suggested daily criteria, the Lead Agency formulated the following mitigation measures to reduce that long-term impact to the extent as feasible: (1) Traffic lane improvements and signalization, as outlined in the traffic study, shall be implemented and will generally improve local traffic flow, thereby reducing

emissions created in the project area (MM 7-3); (2) To encourage the use of mass transportation, the Applicant shall place bus stop shelters at any bus stops situated or to be situated along any site frontage routes if not already so equipped (MM 7-4); (3) To encourage the use of localized commercial facilities and reduce the need for vehicle travel, the Applicant shall include both bike lanes (where feasible) and bike paths between the residential and commercial development areas. Additionally, the Applicant shall provide sidewalks and walking paths to the proposed commercial areas (MM 7-5); (4) The Applicant shall specify the installation of energy efficient lighting, air conditioning, water heaters, and appliances for all residential and commercial uses (MM 7-6); and (5) The Applicant shall specify the installation of energy efficient street lighting (MM 7-7).

(g) Notwithstanding the implementation of the recommended mitigation measures, other than through a substantial reduction in the number of vehicle trips and/or implementation of an alternative to the proposed project (March 2010 SDSP), projected operational ROG, NOx, and CO emissions would remain at levels in excess of the SCAQMD's recommended threshold criteria.

(h) One of the alternatives examined in the FEIR is Alternative 6 (January 2012 SDSP) which, among other things, eliminates the 153,985 square feet of commercial use authorized under the proposed project (March 2010 SDSP) and reduces the number of residential units from 202 to 200 dwellings. As determined by an independent traffic analysis, the elimination of the commercial use and the reduction in the number of dwelling units would reduce the number of average daily vehicle trips from approximately 9,276 daily trip ends associated with the March 2010 SDSP to about 1,182 daily trip ends associated with Alternative 6 (January 2012 SDSP). When the two alternatives are compared, the January 2012 SDSP would produce about 8,094 fewer daily trip ends, representing a reduction of approximately 87.3 percent.

(i) In February 2011, the SCAQMD released the CalEEMod (Version 2011.1.1), emissions model. Although representing separate methodologies and yielding slightly different results, the general comparability of the URBEMIS2007 and CalEEMod analysis was demonstrated in the FEIR

(j) The potential long-term air quality impacts associated with the implementation of Alternative 6 (January 2012 SDSP) were analyzed using the CalEEMod emissions model. Based on that analysis, emission projections for ROG, NOx, and CO were determined to be approximately 18.97, 23.22, and 115.19 pounds per day, respectively. As indicated, with regards to criteria pollutants, all values (including ROG, NOx, and CO) were determined to fall below their respective thresholds and the projected long-term air quality impact of Alternative 6 (January 2012 SDSP) would be less than significant.

(k) Based on the CalEEMod emissions modeling conducted for Alternative 6 (January 2012 SDSP), with the exception of Alternative 1 (No Project), it can be reasonably concluded that any residential development project of comparable or lesser size/scale developed on the project site and operating under the same general assumptions would produce similar long-term air quality impacts. Under Alternative 4 (Low-Density Residential), a total of 60 dwelling units would be constructed on the project site. With regards to criteria pollutants, long-term air quality impacts attributable to Alternative 4 (Low-Density Residential) are assumed to be less than significant.

(l) Based on the CalEEMod emissions modeling conducted for Alternative 6 (January 2012 SDSP), it is estimated that the January 2012 SDSP will generate

approximately 23.22 pounds of NOx per day (Table RTC2-14). The majority of those emissions (21.61 pounds/day) are attributable to mobile source emissions. With regards to NOx emissions, based on the SCAQMD's operational threshold criteria of 55 pounds per day, assuming that all emissions increase linearly, a residential or non-residential development project developed on the project site and operated under the same general assumptions could generate an estimated 236.9 (55/23.22=2.369) percent increase in the number of vehicle trips (than the January 2012 SDSP) and not exceed that threshold. As indicated in the FEIR, the January 2012 SDSP is estimated to generate about 1,182 daily trip ends. A 236.9 percent increase represents about 2,800 average daily trip ends. Since Alternative 2 (Public Facilities) (2,478 ADT), Alternative 4 (Low-Density Residential) (574 ADT), Alternative 5 (High-Density Residential) (2,364 ADT), and Alternative 6 (January 2012 SDSP) (1,182 ADT) are projected to generate a lesser number of daily trip ends, with regards to criteria emissions, operational air quality impacts associated with those alternatives are assumed to be less than significant.

(m) With regards to criteria pollutants, the implementation of the proposed project (March 2010 SDSP), as feasibly mitigated and conditioned, would not result in the avoidance of significant operational air quality impacts.

(n) With regards to criteria pollutants, since no significant operational air quality impacts would result from their approval, with the exception of Alternative 1 (No Project), the implementation of Alternative 2 (Public Facilities), Alternative 4 (Low-Density Residential), Alternative 5 (High-Density Residential), or Alternative 6 (January 2012 SDSP) would reduce long-term air quality impacts to a less-than-significant level.

5.3 Environmental Effect: The proposed project [March 2010 SDSP], in combination with other related projects, has the potential to result in a cumulatively considerable increase in criteria pollutants (Air Quality Impact 7-6).

Finding: The Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) With regards to the proposed project (March 2010 SDSP), project-related and cumulative air quality impacts are addressed, in part, in Section 4.7 (Air Quality) in the DEIR and in Section 3.3.7 (Air Quality) in RTC2 and those analyses are incorporated herein by reference.

(b) Pursuant to SCAQMD's recommended methodology, projects that do not exceed or can be mitigated to less than SCAQMD's daily threshold values do not add significantly to a cumulative impact. Conversely, projects that result in significant unmitigable short-term or long-term air quality impacts, would be deemed to produce significant cumulative air quality impacts.

(c) With regards to the proposed project (March 2010 SDSP), since ROG emissions associated with the application of asphalt, paints, and coatings and ROG, NOx, and CO mobile source emissions associated with the project's operation are expected to remain significant after mitigation, the project's incremental contribution to cumulative air quality impact would be cumulatively considerable.

(d) As indicated in Section 15064(i)(1) of the State CEQA Guidelines, "cumulatively considerable" means "that the incremental effects of an individual project are

considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

(e) Mitigation for cumulative air quality impacts is as specified for construction and operational impacts. Even with the adoption of all feasible measures and the project's adherence to applicable standard conditions, uniform codes, and SCAQMD rules and regulations, other than through a substantial reduction in the size of the project and/or implementation of an alternative to the proposed project (March 2010 SDSP), air quality impacts will remain cumulatively significant.

(f) The implementation of the proposed project (March 2010 SDSP), as feasibly mitigated and conditioned, would not result in the avoidance of significant construction, operational, and cumulative air quality impacts.

(g) Since no significant project-level construction, operational, or GHG emissions impacts would result from their approval, with the exception of Alternative 1 (No Project), the implementation of Alternative 4 (Low-Density Residential) or Alternative 6 (January 2012 SDSP) would reduce cumulative air quality impacts to a less-than-significant level.

5.4 Environmental Effect: The project has the potential to generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment (Air Quality Impact 7-8).

Finding: The Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) With regards to the proposed project (March 2010 SDSP), project-related and cumulative air quality impacts are addressed, in part, in Section 4.7 (Air Quality) in the DEIR and in Section 3.3.7 (Air Quality) in RTC2 and those analyses are incorporated herein by reference.

(b) The SCAQMD is in the process of establishing a threshold for GHG emissions to determine a project's regional contribution toward global climate change impacts for California. On December 5, 2008, SCAQMD adopted an annual threshold of 3,000 metric tons of CO_2 equivalent ($MTCO_2e$) for residential and commercial projects for which it is the lead agency under CEQA.

(c) To provide guidance to local lead agencies on determining significance for GHG emissions in their CEQA documents, the SCAQMD has convened a GHG CEQA Significance Threshold Working Group (Working Group). As indicated in the "Minutes of the GHG CEQA Significance Threshold Stakeholders Working Group #5" (SCAQMD, September 28, 2010), with regards to numerical residential and commercial GHG significance thresholds, "at the 11/19/2009 stakeholder working group meeting [SCAQMD] staff presented two options that lead agencies could choose; option #1 – separate numerical thresholds for residential projects (3,500 MTCO2e/year), commercial projects (1,400 MTCO2e/year), and mixed use projects (3,000 MTCO2e/year) and option #2 – a single numerical threshold for all non-industrial projects of 3,000 MTCO2e/year. If a lead agency chooses one option, it must consistently use that same option for all projects where it is lead agency. The current staff proposal is to recommend the use of option #2, but allow lead agencies to choose option #1 if they prefer that approach.

(d) In selecting the identified threshold of significance criteria for GHG emissions for the proposed project (March 2010 SDSP), the Lead Agency is neither making a determination that the selected criteria will be universally applied to all projects

located within the City's jurisdiction in which it serves as "lead agency" under CEQA nor that an alternative criteria may not be selected in the future based on information then available to the Lead Agency. With regards to GHG emissions, for the purpose of CEQA compliance and these specified entitlements, a criteria of 3,000 $MTCO_2e$ was applied to both the proposed project (March 2010 SDSP) and to Alternative 6 (January 2012 SDSP).

(e) Construction activities would consume fuel and result in the generation of greenhouse gases. Construction CO_2e emissions are as projected using the CalEEMod emissions model. The CalEEMod emissions model indicates that construction (unmitigated) could generate approximately 764.26 $MTCO^2e$ in 2013, 910.28 $MTCO_2e$ in 2014, and 223.97 $MTCO_2e$ in 2015. All of these values under the suggested annual threshold of 3,000 $MTCO_2e$ per year and the impact of constructing the proposed project (March 2010 SDSP) on GHG emissions is less than significant.

(f) During the operational life of the proposed project (March 2010 SDSP), the majority of GHG emissions, specifically CO_2, are due to vehicle travel and energy consumption. It is projected that all emission sources, including mobile, area source, energy, waste, and water conveyance, approximately 14,276.99 $MTCO_2e$ would be generated on an annual basis. The resulting operational impact (unmitigated), exceeds the suggested annual threshold of 3,000 $MTCO_2e$ per year and the impact is considered potentially significant.

(g) Once the project's proposed energy and water conservation measures are included and the CalEEMod emissions model rerun, for all sources (i.e., mobile, area source, energy, waste, and water conveyance), estimated operational GHG emissions are reduced to approximately 13,156.21 $MTCO_2e$ per year. This value remains over the suggested annual threshold of 3,000 $MTCO_2e$ and the impact of GHG emissions attributable to the proposed project (March 2010 SDSP) remains significant.

(h) In order to mitigate GHG emissions to the maximum extent feasible, the following mitigation measures were formulated by the Lead Agency: (1) The Applicant shall specify the installation of energy efficient lighting, air conditioning, water heaters, and appliances for all residential and commercial uses (MM 7-6); and (2) The Applicant shall specify the installation of energy efficient street lighting (MM 7-7). As mitigated, the resulting value remains substantially in excess of the SCAQMD's recommended GHG threshold of 3,000 $MTCO_2e$ per year and the impact remains significant.

(i) Notwithstanding the implementation of all feasible mitigation measures and the project's adherence to applicable standard conditions, uniform codes, and SCAQMD rules and regulations, other than through a substantial reduction in the size of the project and/or implementation of an alternative to the proposed project (March 2010 SDSP), projected GHG emissions would remain at levels in excess of the SCAQMD's recommended threshold criteria.

(j) The potential GHG emissions and climate change impacts associated with the implementation of Alternative 6 (January 2012 SDSP) were analyzed using the CalEEMod emissions model. As indicated, with regards to both construction and operation, GHG emissions were projected at values less than the SCAQMD's threshold of 3,000 $MTCO_2e$ per year and the resulting impact of the "January 2012 SDSP" alternative on climate change would be less than significant.

(k) With the exception of Alternative 1 (No Project), it can be reasonably concluded that any residential development project of comparable or lesser size/scale developed on the project site and operating under the same general

assumptions would produce similar climate change impacts. Under Alternative 4 (Low-Density Residential), a total of 60 dwelling units would be constructed on the project site. With regards to GHG emissions and climate change, air quality impacts attributable to Alternative 4 (Low-Density Residential) are assumed to be less than significant.

(l) The implementation of the proposed project (March 2010 SDSP), as feasibly mitigated and conditioned, would not result in the avoidance of significant climate change impacts

(m) Since no significant project-level or cumulative GHG emissions impacts would result from their approval, with the exception of Alternative 1 (No Project), the implementation of Alternative 4 (Low-Density Residential) or Alternative 6 (January 2012 SDSP) would reduce GHG emissions and climate change impacts to a less-than-significant level.

5.5 Environmental Effect: The project has the potential to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases (Air Quality Impact 7-9).

Finding: The Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) With regards to the proposed project (March 2010 SDSP), project-related and cumulative air quality impacts are addressed, in part, in Section 4.7 (Air Quality) in the DEIR and in Section 3.3.7 (Air Quality) in RTC2 and those analyses are incorporated herein by reference.

(b) Under CEQA, an impact can be significant if the project does not comply with the applicable plans necessary for the reduction of greenhouse gases. Projects that generate de minimus GHG emission levels (i.e., less than 3,000 $MTCO_2e$ per year) and do not result in significant project-level impacts or can be mitigated to a less-than-significant level are deemed to be in compliance with local and regional policies regarding GHG emissions. With regards to the proposed project (March 2010 SDSP), because project-related operational GHG emissions are projected to be in excess of the threshold criteria, those emissions are also considered to be cumulatively significant.

(c) Construction emissions attributable to the proposed project (March 2010 SDSP) are estimated at no more than 910.28 $MTCO_2e$ per year. This value is well below the annual threshold value of 3,000 $MTCO_2e$ and the cumulative impact of construction-term GHG emissions to climate change is less than significant. As such, construction activities would not conflict with existing plans and policies.

(d) Based on the CalEEMod emissions model, the proposed project (March 2010 SDSP) would result in the generation of approximately 14,276.99 $MTCO_2e$ per year before mitigation and 13,156.21 $MTCO_2e$ per year after mitigation. These values exceed the suggested 3,000 $MTCO_2e$ per year threshold and the impact to climate change remains significant.

(e) The potential GHG emissions and climate change impacts associated with the implementation of Alternative 6 (January 2012 SDSP) were analyzed using the CalEEMod emissions model. As indicated, with regards to both construction and operation, GHG emissions were projected at values less than the SCAQMD's threshold of 3,000 $MTCO_2e$ per year. As a result, the impact of Alternative 6 (January 2012 SDSP) on climate change would be less than significant.

(f) With the exception of Alternative 1 (No Project), it can be reasonably concluded that any residential development of comparable or lesser size/scale than that of Alternative 6 (January 2012 SDSP) which were to be developed on the project site and operating under the same general assumptions would produce similar climate change impacts. Under Alternative 4 (Low-Density Residential), a total of 60 dwelling units would be constructed on the project site. With regards to GHG emissions and climate change, air quality impacts attributable to Alternative 4 (Low-Density Residential) are assumed to be less than significant.

(g) The implementation of the proposed project (March 2010 SDSP), as feasibly mitigated and conditioned, would not result in the avoidance of significant climate change impacts

(h) Since no significant project-level or cumulative GHG emissions impacts would result from their approval, with the exception of Alternative 1 (No Project), the implementation of Alternative 4 (Low-Density Residential) or Alternative 6 (January 2012 SDSP) would reduce GHG emissions and climate change impacts to a less-than-significant level.

6.0 FINDINGS REGARDING THE REJECTION OF THE PROPOSED PROJECT (MARCH 2010 SDSP) AND THE SELECTION OF ALTERNATIVE 6 (JANUARY 2012 SDSP) FOR IMPLEMENTATION

With regards to the proposed project (March 2010 SDSP), the FEIR has identified a number of significant environmental effects which cannot be feasibly mitigated to a less-than-significant level should the March 2010 SDSP be implemented. The FEIR identified a number of alternatives capable of meeting the project's basic objectives, as amended, and which, if implemented, would result in the avoidance or substantial lessening of those significant environmental impacts. In compliance with CEQA's "substantial mandate," this section sets forth findings regarding the Lead Agency's rejection of both the proposed project (March 2010 SDSP) and other alternatives with the potential to avoid or substantial lessen the proposed project's significant environmental effects and the selection of Alternative 6 (January 2012 SDSP) in lieu thereof.

6.1 Environmental Effect: With regards to the proposed project (March 2010 SDSP), the following environmental impacts cannot be mitigated to a less-than-significant level through the imposition of feasible mitigation measures: (1) Construction of the proposed project [March 2010 SDSP] has the potential to violate or add to a violation of air quality standards (Air Quality Impact 7-2); (2) Operation of the proposed project [March 2010 SDSP] has the potential to violate or add to a violation of air quality standards (Air Quality Impact 7.3); (3) The proposed project [March 2010 SDSP], in combination with other related projects, has the potential to result in a cumulatively considerable increase in criteria pollutants (Air Quality Impact 7-6); (4) The project has the potential to generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment (Air Quality Impact 7-8); and (5) The project has the potential to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases (Air Quality Impact 7-9).

Findings: The Council hereby makes Findings (1) and (3).

Facts in Support of Findings: The following facts are presented in support of these findings:

(a) CEQA codifies the important Statewide policy of "ensur[ing] that the long-term protection of the environment, consistent with the provision of a decent home and suitable living environment for every Californian, shall be the guiding criterion in public decisions" (Section 21001[d], CEQA). "The foremost principle under CEQA is that the Legislature intended the act 'to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language" (Laurel Heights Improvement Assn. v. Regents of the University of California [1988]). 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 (Mountain Lion Foundation v. Fish and Game Commission [1997]).

(b) There exist no feasible mitigation measures that would result in the avoidance or substantially reduction of the significant environmental impacts of the proposed project (March 2010 SDSP).

(c) A number of alternatives to the proposed project (March 2010 SDSP) were examined in the DEIR. Of those alternatives, with the exception of Alternative 1 (No Project) which is specifically mandated under CEQA, only Alternative 4 (Low-Density Residential) and Alternative 6 (January 2012 SDSP) have the potential to reduce each of those significant environmental impacts to a less-than-significant level. In furtherance of CEQA's "substantive mandate," the Lead Agency evaluated the feasibility of implementing each of those three alternatives in lieu of the proposed project (March 2010 SDSP).

(1) Alternative 1 (No-Project). With regards to Alternative 1 (No-Project), no or only minimal physical changes to the project site would occur, the property would generally remain in its present condition, and no new development activities would occur thereupon. No grading or other landform modifications would occur. Maintenance activities, including weed abatement, would routinely be performed and the existing level of use would continue generally in the manner now experienced. In keeping with the general intent of this alternative, one possible variation would involve the use of all or a portion of the City Property to allow for the development of identified Year 2030 street improvements to the Diamond Bar Boulevard/Brea Canyon Road intersection.

(A) With regards to the ability of Alternative 1 (No Project) to result in the avoidance or substantial lessening of the significant environmental effects attributable to the proposed project (March 2010 SDSP)

(i) Air Quality (Construction). Since no or only minimal infrastructure improvements would occur on the project site, construction-term criteria pollutants would be eliminated or the quantity of those pollutants would be substantially reduced. Because the SCAQMD's recommended threshold standard would not be exceeded, short-term air quality impacts would be reduced to a less-than-significant level.

(ii) Air Quality (Operational). Since no or only minimal infrastructure improvements would occur on the project site and no new land uses would be introduced thereupon, operational criteria pollutants would be eliminated or the

quantity of those pollutants substantially reduced. Because the SCAQMD's recommended threshold standards would not be exceeded, long-term air quality impacts would be reduced to a less-than-significant level.

(iii) Air quality (Cumulative). Under Alternative 1 (No Project) no significant construction or operational increase in criteria pollutants would be anticipated since no or only minimal infrastructure improvements would occur on the project site. Under the SCAQMD's recommended methodology, development activities that do not generate significant air quality impacts, including criteria and/or GHG emissions, are also assumed not to generate significant cumulative air quality impacts. Because there would be no significant contribution to the inventory of regional criteria pollutants in the SCAB and none of the SCAQMD's threshold standards would be exceeded, cumulatively significant air quality impacts would be avoided.

(iv) Air Quality (GHG Emissions). Since no or only minimal infrastructure improvements would occur on the project site and no new land uses would be introduced thereupon, no or only minimal construction and operational GHG emissions would be produced. Because the SCAQMD's recommended threshold standards would not be exceeded, no significant project-level and cumulative climate change impacts would result therefrom.

(v) For those reasons, the Council finds this alternative would result in the avoidance or substantial lessening of the proposed project's (March 2010 SDSP) significant environmental effects.

(B) With regards to the ability of Alternative 1 (No Project) to accomplish most of the basic objectives of the proposed project (March 2010 SDSP):

(i) Since no or only minimal infrastructure improvements would occur on the project site, the Lead Agency would not proceed with the preparation and adoption of a specific plan. No site-specific planning document would be prepared encouraging the innovative use of land and the development of a variety of housing and other development types. Alternative 1 (No Project) would not allow for the attainment of Objective 1

(ii) Because uncertainty with regards to the allowable use of the "Site D" property would remain, District efforts to promote the disposition of the District Property would be thwarted. Alternative 1 (No Project) would not allow for the attainment of Objective 2R.

(iii) Since no or only minimal infrastructure improvements would occur on the project site, the City's desire that the District Property and the City Property be developed in a manner as to ensure compatibility with and to meet the needs of the surrounding area and to ensure an appropriate use and reasonable return to the City would be

thwarted. Alternative 1 (No Project) would not allow for the attainment of Objective 3R.

(iv) Absent a specific plan or other planning tool, no site-specific land-use policies allowing for the development of the property and the provision of additional housing opportunities. Alternative 1 (No Project) would not allow for the attainment of Objective 4.

(v) Absent a specific plan or other planning tool, no guiding land-use policy mechanism would exist to define the nature/intensity of future development, to establish design/development parameters for the site, or provide reasonable assurance as to the uses that would be authorized and the exactions to be extracted from a site developer. Alternative 1 (No Project) would not allow the attainment of Objective 5.

(vi) For those reasons, the Council finds that Alternative 1 (No Project) does not allow for the attainment of the project's basic objectives and, therefore, rejects this alternative.

(C) With regards to this alternative's economic, environmental, legal, social, or technological feasibility:

(i) Implementation of Alternative 1 (No Project) would result in the avoidance or substantial lessening of the proposed project's (March 2010 SDSP) significant environmental effects and is, therefore, environmentally feasible.

(ii) Other than through public acquisition, the Lead Agency cannot permanently prohibit so level of development of the subject property. As a result, over the long term, retention of the project site as open space, without compensation to the property owner, is neither legally nor socially feasible.

(iii) While for the short-term this alternative may be considered technically feasible in that the property could remain in its current condition, in light of the District's desire to obtain revenues from the disposition of the District Property, it is unrealistic to assume that the subject property would remain permanently undeveloped.

(iv) Given the site's General Plan and zoning designations, "Site D" is considered appropriate for development. It is, therefore, reasonable to assume that some level of development and economic use of the site would be pursued over the long-term.

(v) Alternative 1 (No Project) would ultimately be infeasible in that it could not be accomplished over time because it is logical from an economic perspective that the principal landowner would seek some economic use of the property and, from a political and social perspective, that the City would seek the implementation of its General Plan land-use objectives.

(vi) For those reasons, the Council finds that Alternative 1 (No Project) is economically, legally, and socially infeasible.

(D) Although Alternative 1 (No Project) would result in the avoidance or substantial lessening of the proposed project's (March 2010

SDSP) significant environmental effects, this alternative does not allows for the attainment of the project's basic objectives and is economically, legally, and socially infeasible. The Council, therefore, rejects Alternative 1 (No Project).

(2) Alternative 4 (Low-Density Residential). With regards to Alternative 4 (Low-Density Residential), the project site would be developed for residential use in accordance with the City's "Low Density Residential" (RL)" standards, as outlined in Chapter 22.08 (Residential Zoning Districts) of the Development Code. As indicated therein, the maximum allowable density for new residential subdivisions in the "Low Density Residential" district is three units per gross acre. Based on the estimated net acreage (20.2 net acres), under this alternative, a total of about 60 dwelling units could be constructed on the "Site D" property, primarily on the District Property. Under this alternative, it is assumed that the City Property would be used primarily to allow for the development of a landscaped "entry feature" as a visual gateway to the City and for street improvement purposes.

(A) With regards to the ability of Alternative 4 (Low-Density Residential) to result in the avoidance or substantial lessening of the significant environmental effects attributable to the proposed project (March 2010 SDSP):

(i) Air Quality (Construction). Assuming a similar grading plan, based on the CalEEMod emissions modeling performed for Alternative 6 (January 2012 SDSP), with regards to criteria pollutants, it can be reasonably concluded that any residential development of comparable or lesser size/scale developed on the project site and operating under the same general assumptions would produce similar construction-term air quality impacts. As a result, short-term air quality impacts are assumed to be less than significant.

(ii) Air Quality (Operational). Under Alternative 4 (Low-Density Residential), the number of projected average daily trips attributable to the proposed project (March 2010 SDSP) would be reduced from about 9,276 to 574 ADT (based on an ITE-generated trip generation rate of 9.57 trip ends per single-family unit). Mobile source emissions would, therefore, be substantially reduced. Based on that reduction, with regards to criteria pollutants, operational air quality impacts would be reduced to a less-than-significant level.

(iii) Air quality (Cumulative). Under SCAQMD's recommended methodology, development activities that do not generate significant air quality impacts are also assumed not to generate significant cumulative air quality impacts. Because construction and operational air quality impacts would not exceed SCAQMD's recommended threshold standards, cumulative impacts would not be deemed significant.

(iv) Air Quality (GHG Emissions). Under Alternative (Low-Density Residential), about 574 daily trip ends would be generated during a typical weekday. Based on the CalEEMod emissions modeling for Alternative 6 (January 2012 SDSP), which generates about 1,182 daily trip ends and which was determined to be less than significant, GHG emissions would be predicted not to exceed the SCAQMD's recommended threshold and the resulting impact, both project-level and cumulatively, would be less than significant.

(v) For those reasons, the Council finds that Alternative 4 (Low-Density Residential) would result in the avoidance or substantial lessening of the proposed project's (March 2010 SDSP) significant environmental effects.

(B) With regards to the ability of Alternative 4 (Low-Density Residential) to accomplish most of the basic objectives of the proposed project (March 2010 SDSP):

(i) Although the project could be advanced through the preparation of a tentative map and may not predicate the need for a specific plan, the Lead Agency could, at its discretion, prepare and adopt a specific plan for this residential use. If prepared, that planning document could be drafted so as to encourage the innovative use of land and the development of a variety of housing types. Alternative 4 (Low-Density Residential) would allow for the attainment of Objective 1

(ii) Because uncertainty with regards to the allowable use of the "Site D" property would not remain, District efforts to promote the disposition of the District Property would be facilitated. With regards to the attainment of a "reasonable return to the District for the benefit of its constituents and its educational mission," Alternative 4 (Low-Density Residential) would allow for the attainment or partial attainment of Objective 2R but likely to a lesser degree than Alternative 6 (January 2012 SDSP).

(iii) Development activities would likely occur in a single phase and would require the integration of both the District Property and the City Property. Because it would be used primarily to accommodate both an "entry feature" and street improvements and because the "Site D" property would be developed for residential and recreational use, the City Property would be developed in a manner as to ensure compatibility with and to meet the needs of the surrounding area and ensure an appropriate land use. Alternative 4 (Low-Density Residential) would allow for the attainment of a portion of Objective 3R.

(iv) Under the provisions of the MOU, the City and the District have formulated a revenue sharing agreement relative to the disposition of the "Site D" property. Because the approval of Alternative 4 (Low-Density Residential) would allow for the effectuation of that agreement and because

the MOU serves to define what, from the City's perspective, constitutes a "reasonable return," Alternative 4 (Low-Density Residential) would allow for the attainment of the remaining portion of Objective 3R but likely to a lesser degree than Alternative 6 (January 2012 SDSP).

(v) Approval of a tentative map and/or adoption of a specific plan would allow for the imposition of site-specific land-use policies allowing for the development of the property and the provision of additional housing opportunities. Alternative 4 (Low-Density Residential) would allow for the attainment of Objective 4.

(vi) Approval of a tentative map and/or adoption of a specific plan would allow for imposition of a guiding land-use policy mechanism defining the nature/intensity of future development, establishing design/development parameters for the project site, and providing reasonable assurance as to the uses that would be authorized and the exactions to be extracted from a site developer. Alternative 4 (Low-Density Residential) would allow the attainment of Objective 5.

(vii) For those reasons, the Council finds that Alternative 4 (Low-Density Residential) allows for the attainment of most of the project's basic objectives.

(viii) As a result of the City's very limited land inventory, a low-density residential alternative would impede local efforts toward the achievement of adopted RHNA housing goals.

(C) With regards to this alternative's economic, environmental, legal, social, or technological feasibility:

(i) Implementation of this alternative would result in the avoidance or substantial lessening of the proposed project's (March 2010 SDSP) significant environmental effects and is, therefore, environmentally feasible.

(ii) Implementation of Alternative 4 (Low-Density Residential) is technically feasible in that the project site could be physically developed for this alternative use.

(iii) Since a GPA and ZC are required in order to authorize a residential use, the City has some discretionary regarding the design/development standards governing that use. Under this alternative, the site would be developed in accordance with the provisions of the "Low Density Residential" (RL) zoning district. As such, this alternative is both legally and socially feasible.

(iv) Given the difficulties of developing a project of this size on a property of this complexity, the project must achieve sufficient economies of scale in order to obtain a reasonable rate of return. The existing terrain, geotechnical issues, and the need for improved site access make this a difficult and costly property to develop. Because costs need to be passed along to individual homebuyers, unless designed to cater only to an elite buyer, the substantial reduction in the number of units

authorized under this alternative (60 units) would likely make the financing of landform alterations and the provision of infrastructure improvements infeasible. The resulting costs would limit both the range of housing products that would be developed on the subject property and the number of qualifying buyers.

(v) The Applicant is required to dedicate real property and finance the cost of developing a new neighborhood park on the project site. The neighborhood park is both a major priority and public benefit for the City, as well as a significant up-front investment by the Applicant.

(vi) In recognition of the buyer's need to achieve a reasonable rate of return, in comparison to other alternatives allowing for a higher intensity use, implementation of this alternative would substantially reduce revenue opportunities available to the District.

(vii) For those reasons, the Council finds that Alternative 4 (Low-Density Residential) is economically infeasible.

(D) Although Alternative 4 (Low-Density Residential) would result in the avoidance or substantial lessening of the proposed project's (March 2010 SDSP) significant environmental effects and allows for the attainment of most of the project's basic objectives, this alternative is economically infeasible. The Council, therefore, rejects Alternative 4 (Low-Density Residential).

(3) Alternative 6 (January 2012 SDSP). With regards to Alternative 6 (January 2012 SDSP), this alternative constitutes a variation of or a revision to the proposed project (March 2010 SDSP), to Alternative 4 (Low-Density Residential), and to Alternative 5 (High-Density Residential). Under this alternative, 200 dwelling units and a new neighborhood park containing not less than two net acres of useable area would be developed on the project site, primarily on the District Property. The precise location, configuration, and amenities to be included in the new neighborhood park would be determined at the time a tentative map is processed for the residential development. Under this alternative, it is assumed that the City Property would be used primarily to allow for the development of an "entry feature" as a visual gateway to the City and for street improvement purposes.

(A) With regards to the ability of Alternative 6 (January 2012 SDSP) to result in the avoidance or substantial lessening of the significant environmental effects attributable to the proposed project (March 2010 SDSP):

(i) Air Quality (Construction). As determined by the CalEEMod emissions model, all projected criteria pollutants generated during the construction of this alternative fall below their respective thresholds and the projected air quality impacts attributable to the construction of the January 2012 SDSP with regards to criteria pollutants is less than significant.

(ii) Air Quality (Operational). As determined by the CalEEMod emissions model, all projected criteria pollutants generated during this alternative's operation fall below their respective thresholds and the projected air quality impact of the

operation of Alternative 6 (January 2012) SDSP with regards to criteria pollutants is less than significant.

(iii) Air quality (Cumulative). Pursuant to SCAQMD's recommended methodology, projects that do not exceed or can be mitigated to less than the daily threshold values do not add significantly to a cumulative air quality impact. With regards to criteria pollutants, the air quality analysis demonstrates that construction and operational impacts will not exceed the specified threshold standards and will not result in the generation of either significant short-term or long-term air quality impact. Because the project will not contribute significantly to the regional inventory of criteria pollutants, cumulative air quality impacts are less than significant.

(iv) Air Quality (GHG Emissions). From a project perspective, with regards to GHG emission, the CalEEMod emissions model indicates that, during construction, CO_2 equivalent (CO_2e) daily values, measured in metric tons ($MTCO_2e$), are under the recommended annual threshold value and the climate change impacts of Alternative 6 (January 2012 SDSP) are less than significant. Similarly, during the project's operation, CO_2e annual values are under the suggested annual threshold and the climate change impacts attributable to Alternative 6 (January 2012 SDSP) are less than significant. From a cumulative perspective, an impact can also be potentially significant if the project does not comply with the applicable plans necessary for the reduction of greenhouse gases. Projects that generate de minimus quantities of emissions and do not result in a significant impact or can be mitigated to a less-than-significant level would be deemed to be in compliance of State policies with respect to GHG emissions. Since construction and operational emissions are projected to occur below the recommended threshold value, cumulative climate change impacts are less than significant.

(B) With regards to the ability of Alternative 6 (January 2012 SDSP) to accomplish most of the basic objectives of the proposed project (March 2010 SDSP):

(i) Specific plan adoption would encourage the innovative use of land and promote the provision of a variety of housing types. Alternative 6 (January 2012 SDSP) would allow for the attainment of Objective 1

(ii) Because uncertainty with regards to the allowable use of the "Site D" property would not remain, District efforts to promote the disposition of the District Property would be facilitated. Alternative 6 (January 2012 SDSP) would allow for the attainment of a portion of Objective 2R.

(iii) In correspondence to the City, dated December 2, 2010, the District requested that the "Site D" property be developed for "100% residential" use and that the "residential density be reduced" beyond those levels

authorized under the March 2010 SDSP. The Lead Agency interprets the principal property owner's request as a declaration of and evidence supporting the determination that a 200-unit residential development project would provide a "reasonable return to the District." Alternative 6 (January 2012 SDSP) would allow for the attainment of the remaining portion of Objective 2R.

(iv) Development activities would likely occur in a single phase and would require the integration of both the District Property and the City Property. Because it would be used primarily to accommodate both an "entry feature" and street improvements and because the "Site D" property would be developed for residential and recreational use, the City Property would be developed in a manner as to ensure compatibility with and to meet the needs of the surrounding area and ensure an appropriate land use. Alternative 6 (January 2012 SDSP) would allow for the attainment of a portion of Objective 3R.

(v) Under the provisions of the MOU, the City and the District have formulated a revenue sharing agreement relative to the disposition of the "Site D" property. Because the approval of Alternative 6 (January 2012 SDSP) would allow for the effectuation of that agreement and because the MOU serves to define what, from the City's perspective, constitutes a "reasonable return," Alternative 6 (January 2012 SDSP) would allow for the attainment of the remaining portion of Objective 3R.

(vi) Adoption of a specific plan would allow for the imposition of site-specific land-use policies allowing for the development of the property and the provision of additional housing opportunities. Alternative 6 (January 2012 SDSP) would allow for the attainment of Objective 4.

(vii) Adoption of a specific plan would allow for the imposition of a guiding land-use policy mechanism defining the nature/intensity of future development, establishing design/development parameters for the project site, and providing reasonable assurance as to the uses that would be authorized and the exactions to be extracted from a site developer. Alternative 6 (January 2012 SDSP) would allow the attainment of Objective 5.

(viii) For those reasons, the Council finds that Alternative 6 (Site D Specific Plan) allows for the attainment of the project's basic objectives.

(C) With regards to this alternative's economic, environmental, legal, social, or technological feasibility:

(i) Implementation of this alternative would result in the avoidance or substantial lessening of the proposed project's (March 2010 SDSP) significant environmental effects and is, therefore, environmentally feasible.

(ii) Implementation of Alternative 6 (January 2012 SDSP) is technically feasible in that the project site could be physically developed for this alternative use.

(iii) Since a GPA and ZC are required in order to authorize residential development, the City has some discretionary regarding the design/development standards governing that use. Under this alternative, the site would be developed in accordance with the provisions of the adopted specific plan. As such, this alternative is both legally and socially feasible.

(iv) In correspondence to the City, dated December 2, 2010, the District requested that the "Site D" property be developed for "100% residential" use and that the "residential density be reduced" beyond those levels authorized under the March 2010 SDSP. The Lead Agency interprets the principal property owner's request as a declaration of and evidence supporting the economic feasibility of a 200-unit residential development project.

(v) For those reasons, the Council finds that Alternative 6 (January 2012 SDSP) is economically, environmentally, legally, socially, and technologically feasible.

(D) Alternative 6 (January 2012 SDSP) would result in the avoidance or substantial lessening of the proposed project's (March 2010 SDSP) significant environmental effects, allows for the attainment of the project's basic objectives, and is economically, legally, socially, and technologically feasible.

(d) Because the environmental effects of the proposed project (March 2010 SDSP) cannot be mitigated to below a level of significant and because there exists a feasible alternative which avoids or substantially lessens those unmitigable environmental effects and which allows for the attainment of the project's basic objectives, in compliance with CEQA "substantive mandate," the Council selects Alternative 6 (January 2012 SDSP) for implementation over the proposed project (March 2010 SDSP).

7.0 FINDINGS REGARDING THE ENVIRONMENTAL EFFECTS OF ALTERNATIVE 6 (JANUARY 2012 SDSP) THAT CAN FEASIBLY BE REDUCED TO BELOW A LEVEL OF SIGNIFICANCE

With regards to Alternative 6 (January 2012 SDSP), the Council has determined that existing statutes, regulations, uniform codes, project design features, in combination with those conditions, standards, and mitigation measures included in the FEIR and adopted or likely to be adopted by the Council, will result in a substantial reduction of the following environmental effects and that each of the following environmental effects will either occur at or can be effectively reduced to below a level of significance.

Note that, with regards to Alternative 6 (January 2012 SDSP): (1) the environmental effects presented herein are extracted from Table RTC2-3 ("January 2012 'Site D' Specific Plan" - Summary of Environmental Impacts and Level of Significance) in RTC2 and the corresponding analyses presented in the DEIR, RTC1, and RTC2; (2) the conditions and standards are extracted from Table RTC2-2 ("January 2012 'Site D' Specific Plan" - Conditions of Approval/Performance Standards) in RTC2 and the corresponding analyses presented in the

DEIR, RTC1, and RTC2; and (3) the mitigation measures are extracted from Table RTC2-4 ("January 2012 'Site D' Specific Plan" – Draft Mitigation Reporting and Monitoring Program) in RTC2 and the corresponding analyses presented in the DEIR, RTC1, and RTC2. The Lead Agency acknowledges that a portion of Table RTC2-4 ("January 2012 'Site D' Specific Plan" – Draft Mitigation Reporting and Monitoring Program), as presented in RTC2, is mislabeled "Table ES-4 ('January 2012 "Site D" Specific Plan' – Draft Mitigation Reporting and Monitoring Program)" but is nonetheless a part of Table RTC2-4.

7.1 Land Use

7.1.1 Environmental Effect: New residential and public park uses could introduce land use compatibility conflicts between the project and existing single-family residential uses abutting the project site (Land Use Impact 1-1).

Finding: The Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the DEIR and Section 3.3.1 (Land Use) in RTC2 and those analyses are incorporated by reference herein.

(b) Chapter 22.48 (Development Review) in Title 22 (Development Code) of the Municipal Code establishes procedures for reviewing residential, commercial industrial, and institutional development to facilitate review in a timely and efficient manner and to ensure that development projects comply with all applicable design guidelines, standards, and minimize adverse effects on surrounding properties and the environment.

(d) Single-family attached and/or multi-family residential development is proposed adjacent and in close proximity to existing single-family detached residential areas located to the north, south, and east of the project site. Although residential densities, building configurations, unit placement, lot sizes and dimensions, and architectural styles between the proposed on-site residential uses and the existing off-site residential uses may vary, both existing and proposed residential uses would be expected to possess similar operational characteristics and use expectations, thus ensuring their compatibility.

(e) As indicated in Section 22.0-8.030 (Residential Zoning District Land Uses and Permit Requirements) in Title 22 (Development Code) of the Municipal Code, "parks and playgrounds" are identified as permitted uses in all residential zones. As such, the City has, through its local land-use policies, deemed park and park-related uses to be inherently compatible with residential use.

(f) The proposed residential, recreational, and open spaces uses are compatible with existing and proposed development within the general project area.

(g) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.1.2 Environmental Effect: The project, including the land uses, densities, and development standards now under consideration, could conflict with the adopted plans and policies of the City (Land Use Impact 1-2).

Finding: The Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the DEIR and Section 3.3.1 (Land Use) in RTC2 and those analyses are incorporated by reference herein.

(b) As specified under Section 65454 of the CGC, no specific plan shall be adopted or amended unless the proposed plan or amendment is consistent with the general plan. As further specified under Section 65457(a) therein, any residential development project, including any subdivision, or any zoning change that is undertaken to implement and is consistent with a specific plan for which an EIR has been certified after January 1, 1980 is exempt from the requirements of division 13 (commencing with Section 21000) of the PRC.

(c) The General Plan includes a broad array of land-use and other policies that relate, either directly or indirectly, to the proposed project. Pursuant to Section 65300.5 of the CGC, "the general plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies." As an "integrated, internally consistent" document, the Lead Agency's consistency assessment focused primarily on the Land Use Element of the General Plan. Consistency with the General Plan is demonstrated by the following core policies:

(1) Encourage the innovative use of land resources and development of a variety of housing and other development types, provide a means to coordinate the public and private provisions of services and facilities, and address the unique needs of certain lands by recognizing Specific Plan (SP) overlay designations: (a) for large scale development areas in which residential, commercial, recreational, public facilities, and other land uses may be permitted; and (b) large acreage property(ies) in excess of ten acres that are proposed to be annexed into the City (Strategy 1.1.9, Land Use Element). Based on its size and multiple ownership, the proposed mixed use (residential and park) specific plan project represents a unique development opportunity and expands the range of both housing and recreational options within the City.

(2) Maintain residential areas which provide for ownership of single family housing and require that new development be compatible with the prevailing character of the surrounding neighborhood (Strategy 1.2.4, Land Use Element). Alternative 6 (January 2012 SDSP) includes "for-sale" residential units at a density reasonably compatible with other proximal residential neighborhoods.

(3) Broaden the range of, and encourage innovation in, housing types. Require developments within all residential areas to provide amenities such as common usable, active open space and recreational areas, when possible (Strategy 1.2.6, Land Use Element). Public recreational facilities will be provided on the project site in close proximity to existing/proposed residential areas.

(4) Encourage clustering within the most developable portions of project sites to preserve open space and/or other natural resources. Such development should be located to coordinate with long-term plans for active parks, passive (open space) parks, and preserve natural open space areas (Strategy 1.6.4, Land Use Element). In addition to the proposed park area, it is the City's intent that the on-site slopes and passive open space areas surrounding the proposed development be

enhanced by planting indigenous materials to blend the project with the existing surrounding vegetation.

(5) Provide opportunities for development of suitable housing to meet the diverse needs of existing and future residents (Goal 2, Housing Element). Under Alternative 6 (January 2012 SDSP), 200 dwelling units would be constructed on the project site.

(6) Require that dwelling units and structures within hillside areas be sited in such a manner as to utilize ridgelines and landscape plant materials as a backdrop for the structures and the structures themselves to provide maximum concealment of cut slopes (Strategy 1.1.2, Resource Management Element). The existing site is a gently sloping plateau tending to the north with the grade flattening out at the intersections of Brea Canyon and Diamond Bar Boulevard. It is the City's intent that the project will emulate the existing site conditions in so far as the upper levels will be maintained high and the slopes that transcend from south to north will be steepened to a 2:1 ratio to maximize the amount of usable area for the site. The project is envisioned to have large slopes between the southern edge and the adjoining residents. Vegetated slopes allow for a back drop of landscape material to screen the manufactured slopes and act as an aesthetic backdrop.

(7) Within new residential developments, encourage organizations of individual neighborhoods and discourage through traffic on local streets while maintaining pedestrian and bicycle continuity and encourage neighborhood parks, improvement programs and social events (Strategy 1.5.3, Public Services and Facilities). A neighborhood park is included as a project component. Although implementation could impact a segment of a Class II bicycle lane along Diamond Bar Boulevard, the project is conditioned to ensure bicycle continuity, both during construction and following commencement of the project's operations.

(d) In addition to General Plan consistency, the project is subject to compliance with applicable provisions of the Municipal Code, including those contained in Chapter 22.22 (Hillside Management) of the Development Code. In accordance with the provisions of Section 22.22.040 (Density) of the Development Code, a total of 524 dwelling units could be developed on the site. The 200 dwelling units authorized under Alternative 6 (January 2012 SDSP) are substantially less than otherwise allowable under the City's Hillside Management Ordinance.

(e) Although a GPA and ZC would be required to accommodate the proposed residential use, the proposed densities are allowable in the City. Subject to a GPA and/or ZC, the project would be deemed consistent with the General Plan.

(f) In order for the County to provide water and sewer service to the project area, the project must be found to be consistent with SCAG's 2008 "Regional Comprehensive Plan – Helping Communities Achieve a Sustainable Future" (SCAG, October 2, 2008) (2008 RCP). Consistency with the 2008 RCP is demonstrated by the following core policies:

(1) Local government should provide for new housing consistent with State Housing Element law, to accommodate their share of forecast regional growth (LU-1, Land Use and Housing Action Plan). Alternative 6 (January 2012 SD SP) will allow for the development of 200 dwelling units which will facilitate Citywide planning efforts to accommodate the City's share of the forecasted regional growth forecast.

(2) Local governments should encourage patterns of urban development and land use, which reduce costs on infrastructure and make better use of existing facilities (OSC-8, Open Space and Habitat – Community Open Space Action Plan). Alternative 6 (January 2012) SDSP encourages efficient patterns of urban development and land use by clustering housing and retaining peripheral open space.

(3) Developers should incorporate and local governments should include land use principles, such as green building, that use resources efficiently, eliminate pollution and significantly reduce waste into their projects, zoning codes and other implementation mechanisms (OSC-11, Open Space and Habitat – Community Open Space Action Plan). Alternative 6 (January 2012 SDSP) incorporates land-use principles, such as green building strategies, that encourage energy conservation.

(4) Local governments should include energy analyses in environmental documentation and general plans with the goal of conserving energy through the wise and efficient use of energy. For any identified energy impact, appropriate mitigation measures should be developed and monitored. SCAG recommends the use of Appendix E, Energy Conservation, of the California Environmental Quality Act (EN-6, Energy Action Plan). An energy impact and GHG emissions analysis was conducted as part of the project's CEQA documentation. Alternative 6 (The January 2012 SDSP) incorporates land use principles, such as green building strategies, that encourage energy conservation.

(5) Local governments should practice and promote sustainable building practices by: [1] Updating their general plans and/or zoning ordinances to promote the use of green building practices, which include incorporating LEED design standards and utilizing energy efficient, recycled-content and locally harvested or procured materials (AQ-8.1). [2] Developing incentive programs (e.g., density bonuses) to encourage green building and resources and energy conservation in development practices (AQ 8-2). [3] Adopting policies that strive for carbon neutrality for their own facilities and operations (AQ-8.3) (AQ-8, Air Quality Action Plan). Alternative 6 (January 2012 SDSP) incorporates land-use principles, such as green building strategies, that encourage energy conservation.

(6) Developers and local governments should integrate green building measures into project design and zoning including, but not limited to, those identified in the U.S. Green Building Council's Leadership in Energy and Environmental Design, Energy Star Homes, Green Point Rated Homes, and the California Green Builder Program. Construction reduction measures to be explored for new and remodeled buildings include: [1] Reuse and minimization of construction and demolition (C&D) debris and diversion of C&D waste from landfills to recycling facilities. [2] An ordinance that requires the inclusion of a waste management plan that promotes maximum C&D diversion. [3] Source reduction through (1) use of building materials that are more durable and easier to repair and maintain, (2) design to generate less scrap material through dimensional planning (SW-14, Solid Waste Action Plan). Alternative 6 (January 2012 SDSP) incorporates land use principles, such as green building strategies, that facilitate energy and water conservation and waste reduction.

(g) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition (Condition/Standard 1-2) designed to provide notification to SCAG of projected growth within the City, so as to allow SCAG to more effectively update regional plans.

(h) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.1.3 Environmental Effect: Project implementation requires a General Plan amendment, zone change, subdivision of the project site, and other discretionary actions to accommodate the proposed land uses. Each of those actions is subject to specific findings by the City Council and/or by other responsible agencies (Land Use Impact 1-3).

Finding: The Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the DEIR and Section 3.3.1 (Land Use) in RTC2 and those analyses are incorporated by reference herein.

(b) A specific plan is a regulatory tool, authorized under the provisions of Sections 65450-65457 of the CGC, which is intended to guide the development of a localized area and serve as a tool for the systematic implementation of the general plan. A specific plan document establishes a link between the implementing policies contained in an agency's general plan and the individual development proposal in a defined area. No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the agency's general plan. No public works project, no tentative map, and no zoning ordinance may be approved, adopted, or amended within the area covered by a specific plan unless consistent with the adopted specific plan.

(c) As indicated in Section 66474, a legislative body of a city or county shall deny approval of a subdivision map if it finds that: (a) the proposed map is not consistent with applicable general and specific plans; (b) the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans; (c) the site is not physically suitable for the type of development; (d) the site is not physically suitable for the proposed density of development; (e) the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; (f) the design of the subdivision or type of improvements is likely to cause serious public health problems; and/or (g) the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. Section 66473.5 restricts local agencies from approving a final subdivision map for any land use project unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan or any specific plan. A proposed subdivision shall be consistent with a general plan or a specific plan only if the local agency has officially adopted such a plan and the proposed subdivision or land use is compatible with the objectives, policies, general land uses, and programs specified therein.

(d) Pursuant to the General Plan, it is the policy of the City to "[e]ncourage the innovative use of land resources and development of a variety of housing and other development types, provide a means to coordinate the public and private provisions of services and facilities, and address the unique needs of certain lands by recognizing Specific Plan (SP) overlay designations: (a) for large scale development areas in which residential, commercial, recreational, public facilities, and other land uses may be permitted; and (b) large acreage property(ies) in excess of ten acres that are proposed to be annexed into the City" (Strategy 1.1.9, Land Use Element).

(e) The information presented in the FEIR may be used, in whole or in part, by the City and by other responsible agencies to support specific findings as mandated by State law and by agency requirements and procedures, both as may be required under CEQA and as may be required in support of other actions that may be taken by the City and by other agencies with regards to the project or any aspect thereof. In the event that the City and/or other responsible agencies are unable to make requisite findings, those discretionary approvals associated with those findings cannot be issued. In the absence of the issuance of requisite permits and approvals, no physical changes to the site would be anticipated to occur and no environmental impacts would, therefore, result therefrom.

(f) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.1.4 Environmental Effect: Cumulative residential development within the City and the population increase associated with the introduction of new dwelling units could exceed the 2010-2015 population growth forecasts presented in the "Regional Transportation Plan – Destination 2030" (SCAG, 2004) and which serves as a basis for regional transportation planning (Land Use Impact 1-4).

Finding: The Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the DEIR and Section 3.3.1 (Land Use) in RTC2 and those analyses are incorporated by reference herein.

(b) On December 20, 2011, SCAG released the "2012-2035 Regional Transportation Plan/Sustainable Communities Strategy" (RTP/SCS). On December 30, 2011, SCAG subsequently released the "Draft Program Environmental Impact Report – 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy, SCH No. 2011051018" for public review and comment. The formal comment period for those documents concludes on February 14, 2012. Since the RTP/SCS has not been adopted and its accompanying program EIR has not been certified, information from those documents was not cited in the FEIR.

(c) Implementation of the project in combination with other related projects will result in the further urbanization of the general project area, including the conversion of vacant or under-developed properties to higher-intensity uses. None of the land uses that are identified, however, constitute uses or activities that are not currently present within the City or the region.

(d) Anticipated residential development in the City exceeds the population growth estimates formulated by SCAG. SCAG's projections are used as the basis for

establishing regional transportation plans. By under-estimating local demands, regional plans may be less effective in responding to transportation needs.

(e) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition (Condition/Standard 1-2) designed to provide notification to SCAG of projected growth within the City, so as to allow SCAG to more effectively update regional plans.

(f) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.2 Population and Housing

7.2.1 Environmental Effect: Project construction will increase the local labor force and, through job creation and the possibility of worker relocation, has the potential to induce population growth in the general project area (Population and Housing Impact 2-1).

Finding: The Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative population and housing impacts are addressed in Section 4.2 (Population and Housing) in the DEIR and Section 3.3.2 (Population and Housing) in RTC2 and those analyses are incorporated by reference herein.

(b) During construction, an estimated 72 construction workers would be associated with the project's 200 dwelling units.

(c) The workforce required for the project's construction, operation, and maintenance can be reasonably drawn from the available regional labor pool.

(d) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no conditions, standards, and/or mitigation measures are recommended or required.

7.2.2 Environmental Effect: Project implementation will result in the addition of 200 dwelling units to the City's existing housing stock and will increase the City's population by approximately 656 individuals, based on the California Department of Finance's January 2008 Citywide average household size (3.335 persons/unit) and vacancy rate (1.71 percent) (Population and Housing Impact 2-2).

Finding: The Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative population and housing impacts are addressed in Section 4.2 (Population and Housing) in the DEIR and Section 3.3.2 (Population and Housing) in RTC2 and those analyses are incorporated by reference herein.

(b) As indicated in California Department of Finance estimates, in January 2008, the City's population was estimated to be 60,360 individuals. The total number of dwelling units was estimated to be 18,380 units.

(c) Based on the California Department of Finance's January 2008 Citywide average household size (3.335 persons/unit) and vacancy rate (1.71 percent), a total of 656 individuals would be added to the City's population. The project represents an increase in the City's population and housing inventory of about 1.1 percent.

(d) Total number of dwelling units now proposed (200) is less than the adopted SCAG 2008-2014 RHNA for new construction for "above moderate" income households (440) and only slightly more than identified new construction need for "moderate" income households (188). The project represents about 18.3 percent of the projected housing needs (1,090) for the period 2008-2014. Since the projected increase appears generally consistent with regional projections, the project will further the attainment of SCAG's regional housing needs assessment.

(e) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.2.3 Environmental Effect: Absent a corresponding and proportional increase in long-term employment opportunities, projects that increase the City's housing stock would contribute to the perpetuation of the existing Citywide jobs-housing imbalance (Population and Housing Impact 2-3).

Finding: The Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative population and housing impacts are addressed in Section 4.2 (Population and Housing) in the DEIR and Section 3.3.2 (Population and Housing) in RTC2 and those analyses are incorporated by reference herein.

(b) Between 2010 and 2030, the jobs-housing ratio for the City will decrease from only 0.86 to 0.82. As a result, the City will remain "housing rich" and "jobs poor."

(c) Because few projects are of a sufficient size and scale to include both housing and non-housing and employment-generating components, attainment of a jobs-housing balance cannot be examined from the perspective of an individual development project but must be examined from a broader regional and subregional perspective.

(d) As indicated in the 2008 RCP, SCAG's goal is to successfully integrate land and transportation planning and achieve land use and housing sustainability by implementing the "Compass Blueprint 2% Strategy" by: (1) focusing growth in existing and emerging centers and along major transportation corridors; (2) creating significant areas of mixed-use development and walkable, "people-scaled" communities; and (3) targeting growth in housing, employment, and commercial development within walking distance of existing and planned transit stations. SCAG's desired land-use outcomes include, but are not limited to: (1) significantly increasing the number of general plans consistent with the Compass Blueprint principles by 2012; (2) significantly increasing the number and percentage of new housing units and jobs created within the Compass Blueprint "2% Strategy Opportunity Areas" (SOA) by 2012 and improving the regional jobs-housing balance; and (3) adding one new housing unit for every three persons in population growth and one new housing unit for every 1.5 full-time equivalent jobs, whichever is greater. "Site D" is not located within a SOA and is not within close proximity to an existing or planned transit station. As such, from a regional planning perspective, the site does not appear to be a strong candidate for employment-oriented development.

(e) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.3 Geotechnical Hazards

7.3.1 Environmental Effect: Conversion of the project site from a vacant property to an urban use will expose site occupants to regional seismic hazards and localized geologic and geotechnical conditions. Should development occur in the absence of an understanding of those regional and local conditions, site occupants may be subjected to unacceptable geotechnical hazards (Geotechnical Hazards Impact 3-1).

Finding: The Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative geotechnical hazards impacts are addressed in Section 4.3 (Geotechnical Hazards) in the DEIR and Section 3.3.3 (Geotechnical Hazards) in RTC2 and those analyses are incorporated by reference herein.

(b) Information and analysis concerning the existing geologic, geotechnical, seismic, and soils setting, including specific design/development recommendations formulated in response thereto, are presented in "Preliminary Geotechnical Engineering Report: Site D-Mass Grading, Walnut Valley Unified School District, Diamond Bar, California" (KFM GeoScience, January 15 2008).

(c) With regards to Alternative 6 (January 2012 SDSP), in the absence of a conceptual grading plan, alternative-specific geotechnical investigation, and concurrent processing of a tentative map, for the purpose of CEQA compliance, it is assumed that the acreage of site disturbance, the quantity of on-site grading operations, the location of cut-and-fill slopes, and the location and size of retaining walls would be similar to that associated with the proposed project (March 2010 SDSP). Similarly, with regards to Alternative 6 (January 2012 SDSP), the Lead Agency has assumed that the DEIR's assessment of geotechnical hazards and feasibility would remain generally applicable to a lesser-scale development. The level of geotechnical hazards is, therefore, assumed to be no greater than that assumed for the March 2010 SDSP.

(d) It is reasonable to assume that the required grading will be less than represented in the DEIR since the commercial use included in the proposed project (March 2010 SDSP) has been eliminated. Under the proposed project (March 2010 SDSP), the southwesterly portion of the project site was extensively graded to lower the elevation of the commercial pad in order to enhance the visibility of the previously proposed commercial use from abutting streets. Although the January 2012 SDSP continues to illustrate a number of "super pads" upon which development would occur, the need for or perceived benefit in enhanced street-scale visibility no longer exists.

(e) Based on those assumptions, the project appears feasible from a geotechnical perspective provided that the recommendations presented in the geotechnical investigations are incorporated into the project's design and construction.

(f) Design/development activities will occur in conformance with applicable Uniform Building Code (Title 24, Part 2, CCR) standards and requirements.

(g) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of conditions (Condition/Standards 1-1, 3-1, and 3-2) to ensure that each of the recommendations presented in the project's geotechnical investigations are incorporated into the project's design, development, and operation.

(h) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.3.2 Environmental Effect: During the life of the project, structures and other improvements constructed on the property will be subject to periodic ground shaking resulting from seismic events along earthquake faults located throughout the region (Geotechnical Hazards Impact 3-2).

Finding: The Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative geotechnical hazards impacts are addressed in Section 4.3 (Geotechnical Hazards) in the DEIR and Section 3.3.3. (Geotechnical Hazards) in RTC2 and those analyses are incorporated by reference herein.
(b) Information and analysis concerning the existing geologic, geotechnical, seismic, and soils setting, including specific design/development recommendations formulated in response thereto, are presented in "Preliminary Geotechnical Engineering Report: Site D-Mass Grading, Walnut Valley Unified School District, Diamond Bar, California" (KFM GeoScience, January 15 2008).
(c) The project appears feasible from a geotechnical perspective, provided that the recommendations presented in the project's geotechnical investigations are incorporated into the project's design and construction.
(d) Design/development activities will occur in conformance with applicable Uniform Building Code (Title 24, Part 2, CCR) standards and requirements.
(e) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of conditions (Conditions/Standards 1-1, 3-1, and 3-2) to ensure that each of the recommendations presented in the project's geotechnical investigations are incorporated into the project's design, development, and operation.
(f) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.3.3 Environmental Effect: Los Angeles County is located within a seismically active region. Since earthquakes have historically occurred throughout the region and can be expected to occur in the future, development activities that occur throughout the region, including their occupants and users, will remain subject to seismic forces (Geotechnical Hazards Impact 3-3).

Finding: The Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative geotechnical hazards impacts are addressed in Section 4.3 (Geotechnical Hazards) in the DEIR and Section 3.3.3 (Geotechnical Hazards) in RTC2 and those analyses are incorporated by reference herein.
(b) Adequate control measures have been formulated to ensure that all public and private structures are constructed and maintained in recognition of site-specific, area-specific, and regional geologic, geotechnical, seismic, and soils conditions.

(c) Compliance with applicable Uniform Building Code (Title 24, Part 2, CCR) standards and associated permit-agency requirements will mitigate any potential cumulative impacts to below a level of significance.

(d) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.4 Hydrology and Water Quality

7.4.1 Environmental Effect: Construction activities may increase sediment discharge and/or result in the introduction of hazardous materials, petroleum products, or other waste discharges that could impact the quality of the area's surface and ground water resources if discharged to those waters (Hydrology and Water Quality Impact 4-1).

Finding: The Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative hydrology and water quality impacts are addressed in Section 4.4 (Hydrology and Water Quality) in the DEIR and Section 3.3.4 (Hydrology and Water Quality) in RTC2 and those analyses are incorporated by reference herein.

(b) Information and analysis concerning the existing hydrologic and water quality setting, including specific design/development recommendations formulated in response thereto, are presented in "Preliminary Drainage Report for Site 'D' Improvements at Intersection of Diamond Bar Boulevard and Brea Canyon Road, Diamond Bar, California" (PENCO Engineering, Inc., February 7, 2008, revised April 6, 2009).

(c) Since no tentative map is being concurrently processed for this alternative, no alternative-specific hydrologic investigation has been performed and no conceptual drainage plan has been submitted. Although the amount of impervious surfaces on the project site would be expected to be less than projected for the proposed project (March 2010 SDSP) as a result of the elimination of on-site commercial uses, in the absence of a conceptual drainage plan and precise plan of development, with regards to Alternative 6 (January 2012 SDSP), the Lead Agency has assumed that post-project drainage flows, quantities, and qualities remain as generally described in the DEIR for the March 2010 SDSP. The City has further assumed that the DEIR's assessment of hydrology and water quality would remain generally applicable to a lesser-scale development. The level of hydrology and water quality impacts is, therefore, assumed to be no greater than that assumed for the March 2010 SDSP.

(d) Water quality protection is ensured through preparation and implementation of the stormwater pollution prevention plan (SWPPP), as required under the State Water Resources Control Board's (SWRCB) National Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction Activity (Construction General Permit), and through the use of Best Management Practices (BMPs) designed to ensure that grading and construction operations involving the transport, storage, use, and disposal of a variety of construction materials complies with certain storage, handling, and transport requirements.

(e) Pursuant to the Regional Water Quality Control Board, Los Angeles Region's (LARWQCB) fourth-term General National Pollutant Discharge Elimination System (NPDES) permit (NPDES No. CAS004001) for discharges to the municipal separate storm sewer system (MS4) in County, a standard urban stormwater mitigation plan (SUSMP) shall be required, including appropriate BMPs and guidelines to reduce pollutants in storm water to the maximum extent possible (MEP).

(f) The Construction General Permit and compliance with SWPPP and MS4 permit requirements constitute mandatory project measures. Compliance ensures that project-induced water-borne erosion does not significantly impact downstream drainage systems.

(g) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of conditions (Conditions/Standards 4-1 and 4-3) requiring the City Engineer's approval of both a hydrology study consistent with the Los Angeles County Department of Public Work's (LACDPW) "Hydrology/Sedimentation Manual" and applicable LACDPW policies and procedures and SUSMP conforming to the requirements of Section 8.12.1695 of the Municipal Code.

(h) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.4.2 Environmental Effect: Project implementation will result in the introduction of impervious surfaces onto the project site and, as a result of the impedance of opportunities for absorption and infiltration of those waters, has the potential to increase the quantity, velocity, and duration of storm waters discharged from the project site (Hydrology and Water Quality Impact 4-2).

Finding: The Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative hydrology and water quality impacts are addressed in Section 4.4 (Hydrology and Water Quality) in the DEIR and Section 3.3.4 (Hydrology and Water Quality) in RTC2 and those analyses are incorporated by reference herein.

(b) According to the recorded plans for the Brea Canyon Storm Drain Channel (Private Drain No. 395), a 25-year discharge of 2,285 cubic feet per second (cfs) is shown at the downstream side of the Diamond Bar Boulevard culvert. The Los Angeles County Department of Public Works (LACDPW) stipulated that the existing County-operated and maintained drainage system accommodate a 50-year storm event of 2,602 cfs.

(c) A 50-year storm creates 68.38 cfs of runoff from the western portion of the project site and an existing 33-inch diameter reinforced concrete pipe (RCP) located to the south of the project site currently carries off-site discharge of approximately 83.94 cfs. When combined with existing off-site discharge, the 50-year storm runoff totals 174.80 cfs (Q_{50}) at the Brea Canyon Storm Drain Channel (Figure 4.4-4). The summation of 50-year flows (2,602 + 174.80 = 2,776.8) from the project site and from the channel total approximately 2,777 cfs at this reach.

(d) Drainage improvements are proposed to accommodate projected flows. As proposed, at this reach, the existing Brea Canyon Channel will be replaced with reinforced concrete box (RCB). An existing tributary open channel east of the project site will be replaced with RCB, as well as the proposed entrance to the site. To convey the 50-year discharge, the proposed channel section will be double cells 9-foot-wide by 8-foot-high RCB with an average 20 feet of cover. Approximately 50 feet of transition box will be constructed from the proposed RCB section to the existing culvert section under Diamond Bar Boulevard. A transition structure downstream of the proposed RCB will be construed to join the existing trapezoidal channel.

(e) The Lead Agency has identified a standard condition (Condition/Standard 4-2) requiring receipt of all requisite permits and approvals from the LACDPW allowing for the overbuilding of the Brea Canyon Storm Drain Channel.

(f) To ensure that drainage improvements are consistent with applicable design/ development standards and that post-project drainage flows do not result in any adverse public safety or other impacts, a mitigation measure (MM 4-1) has been included in the FEIR and adopted or are likely to be adopted in the MRMP specifying that all drainage facilities and improvements are subject to final design and engineering review and approval by the City Engineer and, for those storm drain facilities under County jurisdiction, by the LACDPW. Implementation of that measure will reduce identified impacts to below a level of significance.

7.4.3 Environmental Effect: Continuing urbanization of the general project area will collectively contribute to surface flows within the Diamond Bar Creek watershed will result in the introduction of additional urban pollutants that could affect the beneficial uses of existing surface and ground water resources (Hydrology and Water Quality Impact 4-3).

Finding: The Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative hydrology and water quality impacts are addressed in Section 4.4 (Hydrology and Water Quality) in the DEIR and Section 3.3.4 (Hydrology and Water Quality) in RTC2 and those analyses are incorporated by reference herein.

(b) Conversion of the project site to an urban use will generate additional urban runoff that would be discharged into Diamond Bar Creek. Project-generated runoff could contribute to cumulative water quality impacts generated by existing and future land uses within the tributary watershed area.

(c) The project and other related projects will be required to implement BMPs and fully comply with all applicable State water quality laws and regulations.

(d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of conditions (Conditions/Standards 4-1 and 4-3) requiring the City Engineer's approval of both a hydrology study consistent with the Los Angeles County Department of Public Work's (LACDPW) "Hydrology/ Sedimentation Manual" and applicable LACDPW policies and procedures and SUSMP conforming to the requirements of Section 8.12.1695 of the Municipal Code.

(e) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.5 Biological Resources

7.5.1 Environmental Effect: Construction activities and fuel-modification requirements will result in direct impacts from vegetation removal of about 30.4 acres (Biological Resources Impact 5-1).

Finding: The Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the DEIR and Section 3.3.5 (Biological Resources) in RTC2 and those analyses are incorporated by reference herein.

(b) Information and analysis concerning the existing biological resource, arboreal, and jurisdictional setting, including an assessment of project-related impacts, are presented in the following studies: (1) "Biological Resources Assessment – Site D, City of Diamond Bar, Los Angeles County, California" (PCR Services Corporation, June 24, 2008); (2) "Tree Survey Report – Site D, City of Diamond Bar, Los Angeles County, California" (PCR Services Corporation, December 18, 2007); (3) "Results of Sensitive Plant Surveys Conducted for the Site D Project Site, City of Diamond Bar, Los Angeles County, California" (PCR Services Corporation, December 18, 2007); and (4) "Investigation of Jurisdictional Wetlands and Waters of the U.S., Site D, City of Diamond Bar, Los Angeles County, California" (PCR Services Corporation, June 24, 2008).

(c) In the absence of a conceptual grading plan and precise plan of development, the Lead Agency has assumed that the level of site disturbance is similar to that described in the DEIR for the proposed project (March 2010 SDSP). Based on that site disturbance, with regards to Alternative 6 (January 2012 SDSP), the Lead Agency has assumed that the DEIR's biological resources assessment would remain generally applicable to a lesser-scale development. The level of biological resource impacts is, therefore, assumed to be no greater than the level assumed for the March 2010 SDSP.

(d) During grading operations, impacts will occur to approximately 20.4 acre of disturbed/ruderal, 3.6 acre of eucalyptus stand/disturbed, 2.8 acres of mule fat scrub, 2.1 acres of California walnut woodlands, 0.9 acre of ruderal/goldenbush scrub, and 0.3 acres of southern willow scrub. With the exception of southern willow scrub, none of these plant communities are considered rare or of high priority for inventory by the California Natural Diversity Database (CNDDB).

(e) Rare natural communities are those communities that are of highly limited distribution. The most current version of the California Department of Fish and Game's "The Vegetation Classification and Mapping Program – List of California Terrestrial Natural Communities Recognized by the California Natural Diversity Database" (CDFG, 2003) serves as a guide to each community's status.

(f) California walnut woodlands and southern willow scrub are considered high-priority for inventory under the CNDDB because they are experiencing decline throughout its range. These on-site habitats are marginal in its value because they are fragmented (i.e., not contiguous with similar habitats) and not expected to support sensitive species. Focused sensitive plant surveys were negative and habitat assessments for sensitive wildlife species (e.g., the least Bell's vireo and southwestern willow flycatcher) determined that these habitats are not suitable to support these species.