

Introduction

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 or County), a division of the Los Angeles County Department of Public Works (LACDPW). The WVUSD’s governing body has determined that the District’s approximately 28.01-acre property (School Property or District Property) is unnecessary for future school use and has declared it to “surplus property.”

The City’s 0.93-acre property (City Property) was acquired so that City would have access to property to address future traffic impacts as well as the existing traffic issues in this area.¹

The Brea Canyon Storm Drain Channel (Brea Canyon Channel), which runs generally parallel to Brea Canyon Road, separates the District Property from the City Property. The LADFCD’s approximately 0.75-acre facility (County Property) is presently an open box culvert. In accordance with the LADFCD’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 purposes.

As required under Section 17462(a) of the California Education Code (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.” Since sale proceeds will be used to fund District activities, through the disposition of the District Property, the WVUSD seeks to obtain the maximum financial return to the District for the benefit of its constituents and its educational mission.

On June 19, 2007, the City Council approved and on July 1, 2007 the City and the WVUSD executed a “Memorandum of Understanding” (MOU) whereby the parties 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 those land holdings. Under the terms of the MOU, the District agreed to reimburse the City for the cost of engaging a consultant to prepare a “specific plan” for the combined properties for the purpose of establishing design and development parameters for the use of those properties. Based on the

^{1/} Brea Canyon Road at Diamond Bar Boulevard currently (2007) operate at satisfactory service levels (i.e., LOS “D” or better) during the AM/PM peak hours. As indicated in the traffic analysis, by 2010, prior to implementation of recommended improvements, Brea Canyon Road at Diamond Bar Boulevard is projected to operate at an unsatisfactory level of service (i.e., LOS “E” for the AM and LOS “F” for the PM peak hours). Similarly, under 2030 cumulative traffic conditions and prior to the implementation of recommended improvements, the Brea Canyon Road at Diamond Bar Boulevard intersections forecast to operate at a poor LOS during both the AM and PM peak hours (i.e., LOS “F” for the AM/PM peak hours).

For 2010 traffic conditions, recommended improvements to Brea Canyon Road at Diamond Bar Boulevard include: (1) widen and/or re-stripe the NB approach on Brea Canyon Road to provide a second right-turn lane; (2) widen and/or re-stripe the EB approach and departure on Diamond Bar Boulevard to a third through lane; (3) re-stripe WB approach on Diamond Bar Boulevard to provide a second left-turn lane. The implementation of these improvements may require some modification to existing traffic signal equipment (i.e., re-cut/install new vehicle loop detectors, modification to traffic signal controller), as well as the termination of the existing bike lane. For 2030 cumulative traffic conditions, recommended improvements to Brea Canyon Road at Diamond Bar Boulevard are similar to those identified for 2010 improvements.

Based on these identified improvements, there exists sufficient nexus between the original purpose of the City’s acquisition of the City Property (e.g., to address future traffic impacts as well as the existing traffic issues in this area) to justify its inclusion as part of the SDSP.

cooperative relationship established under the MOU, for the purpose of CEQA compliance, both the City and the District are the project proponents.

This environmental impact report (EIR), prepared in accordance with the provisions of the California Environmental Quality Act (CEQA) and its implementing guidelines, examines the potential direct, indirect, and cumulative impacts resulting from the adoption and implementation of the “Site D’ Specific Plan” (SDSP). Under the provisions of the SDSP, a maximum of 202 dwelling units and 153,985 square feet of commercial use could be developed on the project site.

The term “Site D” was originally established by the WVUSD as part of a planning process conducted by the District with regards to the identification of real properties owned by the WVUSD that it determined to be no longer necessary for school district purposes. As part of that process, multiple properties were identified, including the 28.01-acre School Property. As used herein, however, the term “Site D” has been expanded to encompass not only the School Property but also the City Property, the County Property, and such additional off-site areas as may be reasonably required for any project-related improvements.

Project Description

The proposed SDSP project contains a number of related elements, including both specific actions and activities which are presently before the Lead Agency and later activities which can be reasonably anticipated as a result of those actions 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 of 202 dwelling units and 153,985 gross leaseable square feet of commercial use within the 29.69-acre specific plan boundaries.

Based on the site’s existing “City of Diamond Bar General Plan” (General Plan) and zoning designations, the proposed project includes 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 “Community Commercial (C-2)” to “Specific Plan (SP).” Also proposed is the approval of a tentative subdivision map (Tentative Tract Map No. 70687) establishing separate residential, commercial, and open space parcels and creating an internal circulation system and establishing easements and other rights-of-way for utility and other purposes.

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. In addition, the District and the City will cooperate in the sale of the District’s holdings (District Property) and the City’s holdings (City Property) to one or more developers, master builders, end users, or other parties.

From a project perspective, it is assumed that the project site would be developed to accommodate those permitted and conditionally permitted land uses authorized under the specific plan and developed to the maximum intensity allowable thereunder.

Discretionary Permits and Approval

A number of discretionary actions will be required by the City in order to approve the proposed SDSP and to authorize the construction, occupancy, use, and habitation of the project site. Those permits and approvals, including the corresponding provisions of the “City of Diamond Bar Municipal Code” (Municipal Code) governing those actions, include: (1) General Plan amendment (Chapter 22.10, Title 22); (2) specific plan approval (Chapter 22.60, Title 22); (3) zone change (Chapter 22.10, Title 22); and (4) tentative subdivision map (Chapters 18.00 – 18.104, Title 18). As proposed, the General Plan amendment (GPA 2007-03) seeks to change the land-use designation of the project site from “Public Facility (PF)” and “General Commercial (C)” to “Specific Plan.” Concurrent with the adoption of the SDSP, proposed is a 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).”

In addition, the construction, occupancy, use, and habitation of the project site will necessitate a number of additional discretionary actions by the City, including, but not necessarily limited to: (1) development review (Chapter 22.48, Title 22); (2) conditional use permit (Chapters 22.22 and 22.58, Title 22); (3) protected tree permit (Chapter 22.38, Title 22); and (4) development agreement (Chapter 22.62, Title 22). Unless otherwise exempt, the conveyance of real property by the District, the City, and the County constitutes a discretionary action subject to CEQA.

Discretionary permits and approvals that may be required from other Responsible Agencies and other federal agencies include, but may not be limited to: (1) water quality certification or waiver pursuant to Section 401 of the Federal Clean Water Act (CWA) from the California Regional Water Quality Control Board, Los Angeles Region (LARWQCB) and/or State Water Resources Control Board (SWRCB); (2) Nationwide or individual permit pursuant to Section 404 of CWA from the United States Army Corps of Engineers (ACOE); (3) streambed alteration agreement pursuant to Section 1600-1616 of the California Fish and Game Code from the California Department of Fish and Game, Region 5 (CDFG); and (5) annexation into the County’s Consolidated Sewer Maintenance District. In addition, the project involves both the acceptance of the design and construction of the on-site storm drain system by the Los Angeles County Department of Public Works (LACDPW) and, through the conveyance of a leasehold interest, the LACDPW’s authorization allowing the overbuilding (covering), air rights transference, and use of lands atop the Brea Canyon Storm Drain Channel.

Significant Environmental Effects

Table ES-1 (Summary of Environmental Impacts and Level of Significance) summarizes the identified construction, operational, and cumulative environmental impacts identified herein, lists each of the recommended mitigation measures and conditions of approval, and identifies the level of significance of each identified impact both prior to and following the implementation of the recommended mitigation measures. Notwithstanding the implementation of all feasible mitigation measures, a number of identified impacts cannot be feasibly mitigated to below a level of significance. Based on the presence of unmitigated environmental effects, should the City elect to approve or conditionally approve the proposed project, a “Statement of Overriding Considerations” (SOC) would be required by the Lead Agency under CEQA. Those impacts that, in the preliminary judgment of the Lead Agency, cannot be feasibly reduced to a less-than-significant level include:

- Air quality (Construction). Combined emissions of reactive organic gases (ROG) are estimated at 136.02 pounds/day. This value would exceed the 75-pound/day threshold recommended by the South Coast Air Quality Management District (SCAQMD) and the impact would be deemed to be significant.
- Air quality (Operational). Operationally, the proposed project is projected to create ROG, oxides of nitrogen (NO_x), and carbon dioxide (CO) emissions in excess of the SCAQMD suggested daily threshold criteria.
- Air quality (Cumulative). Related project activities, in combination with the construction and operation of the proposed project, will incrementally contribute to regional air emissions within the South Coast Air Basin.

Project Alternatives

In addition to an analysis of the proposed project, one of the primary purposes of an EIR is to provide public agencies and other parties with an analysis of a reasonable range of alternatives to the proposed action that, if implemented, could reduce or avoid one or more of the project's significant environmental effects. In fulfillment of that requirement, in addition to the proposed project, four alternative development scenarios and one alternative no-development scenario have been identified and examined by the Lead Agency. Those alternatives include: (1) “No Project” alternative; (2) “Public Facilities” alternative; (3) “Community Commercial” alternative; (4) “Low-Density Residential” alternative; and (4) “High-Density Residential” alternative. Each of those alternatives is briefly described below.

- Alternative 1 (“No Project” Alternative). Under this alternative no physical changes to the project site would occur, the property would remain in its present condition, and no new development activities or other public improvements would be assumed to occur thereupon. Under this alternative, 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 a sufficient portion of the City Property to allow for the development of street improvements to the Brea Canyon Road/Diamond Bar Boulevard intersection.

- Alternative 2 (“Public Facilities” Alternative). The District Property is presently designated “Public Facilities (PF)” in the General Plan. Although there exists no corresponding zoning designation which relates exclusively to public facilities, this alternative is predicated upon the geographic expansion of that General Plan designation across the entire project site and the development of the property in accordance with the declared intent of that General Plan designation.

For the purpose of this alternatives analysis, under this alternative, it is assumed that the estimated developable area of the project site (20.2 acres) is developed at a floor-area-ratio of 0.25. Under this alternative, a total of 220,000 square feet of public facilities use would be developed on the project site.

- Alternative 3 (“Community Commercial” Alternative). The City Property is designated “General Commercial (C) (max. 1.0 FAR)” in the General Plan and zoned “Community

“Site D” Specific Plan

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Commercial (C-2)” on the City’s Official Zoning Map. For the purpose of this alternative, neighborhood-based commercial development is assumed to occur throughout the estimated developable area of the project site (20.2 acres) at a floor-area-ratio (FAR) of 0.35. Based on that FAR, a total of about 307,969 square feet of neighborhood-serving commercial use would be developed on the project site.

- Alternative 4 (“Low-Density Residential” Alternative). The eastern portion of the project site is zoned “Low Density Residential (R-1-7,500)” and “Low Medium Density Residential (R-1-10,000)” on the City’s Official Zoning Map. This alternative is predicated upon the geographic expansion of the “Low Density Residential (RL)” zoning designation within the estimated developable area of the project site (20.2 net acres) at a density of 3 dwelling units per acre. Under this alternative, a total of about 60 single-family detached and/or single-family attached units would be developed on the project site.
- Alternative 5 (“High-Density Residential” Alternative). As indicated in Section 22.08.020(6) (Purpose of Residential Zoning Districts) in Title 22 (Development Code), the “High Density Residential (RH)” zoning district is intended for “areas of existing and proposed high density condominium and apartment projects, other high density residential projects, and mobile home parks. The maximum allowed density for new residential projects within this zoning district will be 20 dwellings per gross acre. The RH zoning district is consistent with the High Density Residential land use category of the General Plan.” Based on that allowable density, under this alternative, a total of about 404 attached dwelling units would be developed on the project site.

Environmentally Superior Alternative

In formulating the range of alternatives examined herein, the City has sought to identify one or more “environmentally superior” alternatives whose implementation may result in the avoidance or substantial reduction of one or more of the project’s unmitigated environmental impacts. As indicated in the EIR, the “environmentally superior” alternative is the “no project” alternative. However, since the “no project” alternative fails to provide the WVUSD a reasonable use of their properties, a no-build alternative would likely be considered economically, legally, and socially infeasible.

CEQA stipulates that if the environmentally superior alternative is the “no project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Based on the Lead Agency’s analysis, the “public facilities,” “low-density residential,” and “high-density residential” alternatives are each considered to be environmentally superior to the proposed project.

Feasibility of Alternatives

The “no project” alternative does not constitute a feasible alternative since it would preclude a reasonable use of the project site and would neither fulfill the Lead Agency’s nor the Applicant’s objectives. With the exception of the “low-density residential” alternative, each of the other development-oriented alternatives examined herein appear environmentally, legally, socially, and technologically feasible. Absent additional economic information, the Lead Agency is unable to assess the economic feasibility of the “low-density residential” alternative.

Areas of Controversy

The continued presence of unmitigable adverse environmental effects may constitute a potential area of controversy.

Because the majority of project site is presently owned by the Walnut Valley Unified School District (who acquired the site for school purposes) and by City of Diamond Bar (who acquired the site for transportation-related purposes), abutting property owners may have assumed that, if not retained as open space, the property would be developed for public purposes. Although any such assumption would not limit or otherwise preclude the conveyance of the subject property for an alternative land use, adjoining owners may either oppose a General Plan amendment allowing for residential and/or commercial development or seek the Lead Agency’s consideration of an alternative public use of the property (e.g., public park). Although a public park use has not been included as a feasible alternative herein, a “public facility” alternative is examined. Similarly, the City could deny or reject the proposed SDSP.

Should the City could deny or reject the proposed SDSP, because the project site is presently zoned “Low Medium Residential (R-1-7,500),” “Low Density Residential (R-1-10,000),” and “Community Commercial (C-2),” it should be assumed that the property would nonetheless be developed for residential and commercial use in accordance with existing land-use policies. Absent the processing of an agency-sponsored specific plan, the City will have less input with regards to the manner in which the property is developed, the nature of the resulting land uses, and the design standards established for those uses.

Issues to be Resolved

This document provides the Lead Agency and other responsible agencies with a comparative analysis of the proposed project and a reasonable range of alternatives, including the “no project” alternative. In recognition of the inclusion of those options herein, the Lead Agency may select and subsequently adopt an alternative to the proposed action.

Summary of Impacts and Mitigation Measures

Presented in [Table ES-1](#) (Summary of Environmental Impacts and Level of Significance), [Table ES-2](#) (Draft Mitigation Reporting and Monitoring Program), and in [Table ES-3](#) (Recommended Conditions of Project Approval) is a summary of each of the environmental impacts identified by the Lead Agency, a listing of those mitigation measures and project conditions recommended by the Lead Agency in response to the identified environmental effects, and the Lead Agency’s preliminary conclusions regarding both the pre-mitigated and post-mitigated level of significance of each of the identified environmental effects.

Table ES-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND LEVEL OF SIGNIFICANCE

Environmental Effect	Significance Before Mitigation	Recommended Project Conditions	Recommended Mitigation Measures	Significance After Mitigation
Land Use				
Land-Use Impact 1-1. New commercial uses and higher density residential uses could introduce land-use compatibility conflicts between the proposed mixed-use project and existing single-family residential uses abutting the project site.	Less-than Significant	Conditions of Approval 1-1 and 1-2	None	Less-than Significant
Land-Use Impact 1-2. The proposed mixed-use project, including the land uses, densities, and development standards now under consideration, could conflict with the adopted plans and policies of the City.	Less-than Significant	Condition of Approval 1-3	None	Less-than Significant
Land-Use Impact 1-3. Project implementation requires a General Plan amendment, adoption of a specific plan, 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.	Less-than Significant	Condition of Approval 1-4	None	Less-than Significant
Land Use Impact 1-4. Cumulative residential development within the City and the population increase associated with the introduction of new dwelling units could exceed the 2005-2010 population growth forecasts presented in the “Regional Transportation Plan – Destination 2030” (SCAG, 2004) and which serve as a basis for regional transportation planning.	Less-than Significant	Condition of Approval 1-3	None	Less-than Significant
Population and Housing				
Population and Housing Impact 2-1. 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.	Less-than Significant	None	None	Less-than Significant
Population and Housing Impact 2-2. Project implementation will result in the addition of up to 202 dwelling units to the City’s existing housing stock and will increase the City’s population by approximately 662 individuals, based on the California Department of Finance’s existing (January 2008) Citywide vacancy rates and average household size (3.335 persons/unit) and vacancy rate (1.71 percent).	Less-than Significant	None	None	Less-than Significant

Table ES-1 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND LEVEL OF SIGNIFICANCE

Environmental Effect	Significance Before Mitigation	Recommended Project Conditions	Recommended Mitigation Measures	Significance After Mitigation
Population and Housing (Continued)				
Population and Housing Impact 2-3. Project implementation will result in the construction of 153,985 square feet of commercial use, directly creating about 462 new permanent jobs.	Less-than Significant	None	None	Less-than Significant
Population and Housing Impact 2-4. 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.	Less-than Significant	None	None	Less-than Significant
Geotechnical Hazards				
Geotechnical Hazards Impact 3-1. 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.	Less-than Significant	Condition of Approval 3-1	None	Less-than Significant
Geotechnical Hazards Impact 3-2. 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.	Less-than Significant	Condition of Approval 3-1	None	Less-than Significant
Geotechnical Hazards Impact 3-3. 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.	Less-than Significant	None	None	Less-than Significant
Hydrology and Water Quality				
Hydrology and Water Quality 4-1. 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.	Less-than Significant	None	None	Less-than Significant

Table ES-1 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND LEVEL OF SIGNIFICANCE

Environmental Effect	Significance Before Mitigation	Recommended Project Conditions	Recommended Mitigation Measures	Significance After Mitigation
Hydrology and Water Quality (Continued)				
Hydrology and Water Quality 4-2. 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.	Potentially Significant Unless Mitigation Incorporated	None	Mitigation Measure 5-1	Less-than Significant
Hydrology and Water Quality 4-3. 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.	Less-than Significant	None	None	Less-than Significant
Biological Resources				
Biological Resource Impact 5-1. Construction activities and fuel-modification requirements will result in direct impacts from vegetation removal of about 30.4 acres located within the tract map area. Fuel modification requirements imposed by the Los Angeles County Fire Department could directly impact additional vegetation.	Less-than Significant	None	None	Less-than Significant
Biological Resource Impact 5-2. The project will permanently impact approximately 2,125 linear feet of streambed, including approximately 0.20 acres of United States Army Corps of Engineers (ACOE) and Regional Water Quality Control Board (RWQCB) jurisdictional waters and approximately 4.10 acres of California Department of Fish and Game (CDFG) jurisdictional streambed and associated riparian habitat.	Potentially Significant Unless Mitigation Incorporated	Condition of Approval 5-1	Mitigation Measure 5-1	Less-than Significant
Biological Resource Impact 5-3. Proposed grading and grubbing activities will result in the removal of 83 protected ordinance-size trees, including 75 California black walnut, six willow, and two coast live oak trees, which now exist on the project site.	Less-than Significant	Conditions of Approval 5-2, 5-3, and 5-4	None	Less-than Significant
Biological Resource Impact 5-4. Construction activities initiated during the nesting season, typically extending from February 15 to August 15 of each year, could impact nesting birds and raptors in violation of the federal Migratory Bird Treaty Act.	Less-than Significant	Condition of Approval 5-4	None	Less-than Significant

Table ES-1 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND LEVEL OF SIGNIFICANCE

Environmental Effect	Significance Before Mitigation	Recommended Project Conditions	Recommended Mitigation Measures	Significance After Mitigation
Biological Resources (Continued)				
Biological Resource Impact 5-5. Project implementation has the potential to impede existing wildlife movement patterns across the project site.	Less-than Significant	None	None	Less-than Significant
Biological Resource Impact 5-6. If improperly designed and maintained, the proposed on-site flood control facilities and structural and treatment control Best Management Practices (BMPs) could potentially provide a habitat for the propagation of mosquitoes and other vectors.	Less-than Significant	Condition of Approval 5-5	None	Less-than Significant
Biological Resource Impact 5-6. Implementation of the proposed project, in combination with other reasonably foreseeable future projects, will contribute incrementally to the continuing reduction in open space areas in the general project area and contribute to the general decline in species diversity throughout the region.	Less-than Significant	None	None	Less-than Significant
Transportation and Circulation				
Transportation and Circulation Impact 6-1. Construction vehicles will transport workers, construction equipment, building materials, and construction debris along local and collector streets and along arterial highways within and adjacent to established residential areas and other sensitive receptors.	Less-than Significant	Conditions of Approval 6-1, 6-2, 6-3, and 6-4	None	Less-than Significant
Transportation and Circulation Impact 6-2. The project is forecast to generate approximately 9,276 daily two-way vehicle trips, including 272 trips during the AM and 650 trips during the PM peak hours, and would increase traffic congestion on local and regional roadways.	Potentially Significant Unless Mitigation Incorporated	None	Mitigation Measures 6-1 and 6-2	Less-than Significant
Transportation and Circulation Impact 6-3. The implementation of the proposed project, in combination with other related projects, will collectively contribute to existing traffic congestion in the general project area and exacerbate the need for localized areawide traffic improvements.	Potentially Significant Unless Mitigation Incorporated	None	Mitigation Measures 6-1 and 6-2	Less-than Significant

Table ES-1 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND LEVEL OF SIGNIFICANCE

Environmental Effect	Significance Before Mitigation	Recommended Project Conditions	Recommended Mitigation Measures	Significance After Mitigation
Air Quality				
Air Quality Impact 7-1. Because the project involves a General Plan amendment and zone change, it has the potential to be inconsistent with the applicable air quality management plan.	Less-than Significant	None	None	Less-than Significant
Air Quality Impact 7-2. Construction of the proposed project has the potential to violate or add to a violation of air quality standards.	Significant	None	Mitigation Measures 7-1 and 7-2	Significant
Air Quality Impact 7-3. Operation of the proposed project has the potential to violate or add to a violation of air quality standards.	Significant	None	Mitigation Measures 7-3 through 7-7	Significant
Air Quality Impact 7-4. The proposed project has the potential to expose sensitive receptors to substantial pollutant concentrations.	Less-than Significant	Condition of Approval 7-1	None	Less-than Significant
Air Quality Impact 7-5. The proposed project has the potential to create objectionable odors.	Less-than Significant	None	None	Less-than Significant
Air Quality Impact 7-6. The proposed project, in combination with other related projects, has the potential to result in a cumulatively considerable increase in criteria pollutants.	Significant	None	None	Significant
Air Quality Impact 7-7. The construction and operation of the proposed project will contribute to the generation of greenhouse gas emissions. GHG have been linked to climate change.	Less-than Significant	None	None	Less-than Significant
Noise				
Noise Impact 8-1. Construction activities could result in a substantial temporary increase in ambient noise levels in the project vicinity above levels existing without the project.	Potentially Significant Unless Mitigation Incorporated	None	Mitigation Measures 8-1 thru 8-6	Less-than Significant
Noise Impact 8-2. Project implementation may result in an exceedance of noise standards established in the General Plan and/or Municipal Code or applicable standards formulated by other agencies.	Potentially Significant Unless Mitigation Incorporated	Condition of Approval 8-1	Mitigation Measures 8-7 and 8-8	Less-than Significant

Table ES-1 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND LEVEL OF SIGNIFICANCE

Environmental Effect	Significance Before Mitigation	Recommended Project Conditions	Recommended Mitigation Measures	Significance After Mitigation
Noise (Continued)				
Noise Impact 8-3. Project implementation may result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.	Less-than Significant	None	None	Less-than Significant
Noise Impact 8-3. Short-term construction and long-term operational noise associated with the proposed project, in combination with other related projects, will contribute to both a localized and an areawide increase in ambient noise levels in proximity to those projects and along those roadways utilized by project-related traffic.	Less-than Significant	None	None	Less-than Significant
Public Services				
Public Services Impact 9-1. During construction, heavy equipment, materials, and other items of value will be brought to the project site. As buildings are erected, prior to site occupancy, structures may remain unsecured and susceptible to unauthorized entry. The presence of an unsecured site and items of value could result in theft and vandalism that could increase demands upon law enforcement agencies.	Less-than Significant	Conditions of Approval 9-1 and 9-2	None	Less-than Significant
Public Services Impact 9-2. Project implementation will result in the introduction of equipment, materials, and manpower into a County-designated fire hazard area prior to the provision of water system improvements designated to respond to on-site and near-site fire hazards.	Less-than Significant	Conditions of Approval 9-3 thru 9-5	None	Less-than Significant
Public Services Impact 9-3. The public school located closest to the project site is Castle Rock Elementary School (2975 Castle Rock Road). Construction activities could constitute an attractive nuisance to children located near or passing by the project site and construction traffic could impose a safety hazard to children and/or become disruptive to school activities and operations.	Less-than Significant	Condition of Approval 9-6	None	Less-than Significant
Public Services Impact 9-4. With a resident population of approximately 662 persons and an existing LACSD staffing ratio of one sworn officer for each 1,082 residents, in order to maintain existing staffing levels, the LACSD would need an additional 0.61 sworn deputies.	Less-than Significant	Condition of Approval 9-2	None	Less-than Significant

Table ES-1 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND LEVEL OF SIGNIFICANCE

Environmental Effect	Significance Before Mitigation	Recommended Project Conditions	Recommended Mitigation Measures	Significance After Mitigation
Public Services (Continued)				
Public Services Impact 9-5. The introduction of 202 new residential dwellings and 153,985 square feet of new commercial use will increase existing demands on LACFD facilities, equipment, and personnel, predicated an incremental need for facility expansion, the purchase of new and/or replacement equipment, and contributing to the need for addition LACFD personnel.	Less-than Significant	Condition of Approval 9-5	None	Less-than Significant
Public Services Impact 9-6. Project implementation will increase enrollment within the Walnut Valley Unified School District by an estimated 31 new students, including approximately 11 new elementary school students (Grades K-6), 8 new junior high school students (Grades 7-9), and 12 new high school students (Grades 9-12).	Less-than Significant	Condition of Approval 9-7	None	Less-than Significant
Public Services Impact 9-7. Project implementation will increase the resident population of the City, including the number of school-age children, incremental increasing existing spatial and resource demands placed on the Diamond Bar Public Library.	Less-than Significant	Condition of Approval 9-8	None	Less-than Significant
Public Services Impact 9-8. Project implementation will increase the resident population of the City of Diamond Bar and generate a projected need for 2.12 acres (approximately 92,390 square feet) of additional parkland within the City.	Less-than Significant	Condition of Approval 9-9	None	Less-than Significant
Public Services Impact 9-9. The approval of other reasonably foreseeable future development projects within the general project area will increase existing demands on the Los Angeles County Sheriff’s Department and on the Los Angeles County Fire Department, increase the number of school-aged children served by the Walnut Valley Unified School District, and increase the demand for park and recreational facilities within the City.	Less-than Significant	None	None	Less-than Significant

Table ES-1 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND LEVEL OF SIGNIFICANCE

Environmental Effect	Significance Before Mitigation	Recommended Project Conditions	Recommended Mitigation Measures	Significance After Mitigation
Utilities and Service Systems				
Utilities and Service Systems 10-1. Wastewater collection facilities do not presently exist on the project site and will not be available until the infrastructure improvements required to accommodate the proposed land uses are constructed.	Less-than Significant	None	None	Less-than Significant
Utilities and Service Systems 10-2. The project’s residential and commercial components are projected to generate approximately 89,435 gallons of wastewater per day (0.09 mgd). Applying a peaking factor of 2.7, the peaked flow rate would be about 241,475 gallons of wastewater per day (0.25 mgd).	Less-than Significant	Condition of Approval 10-1	None	Less-than Significant
Utilities and Service Systems 10-3. Implementation of the proposed project and other related projects would impose cumulative impacts on those sewage collection and disposal facilities located in the general project area.	Less-than Significant	None	None	Less-than Significant
Cultural Resources				
Cultural Resource Impact 11-1. Ground disturbance activities could result in impacts to on-site cultural resources meeting California Register of Historical Resources eligibility criteria.	Potentially Significant Unless Mitigation Incorporated	None	Mitigation Measures 11-1 thru 11-3	Less-than Significant
Cultural Resource Impact 11.2. Ground disturbance activities could result in impacts to on-site paleontological resources, including fossil remains, from the Puente Formation.	Potentially Significant Unless Mitigation Incorporated	None	Mitigation Measures 11-4 thru 11-8	Less-than Significant
Cultural Resource Impact 11-3. Grading activities conducted on other sites located within the general project area could result in impacts to any historic or prehistoric resources that may be located thereupon. In addition, earth-moving activities conducted on other undisturbed sites containing the Puente Formation could result in the loss of recoverable paleontological resources.	Less-than Significant	None	None	Less-than Significant

Table ES-1 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND LEVEL OF SIGNIFICANCE

Environmental Effect	Significance Before Mitigation	Recommended Project Conditions	Recommended Mitigation Measures	Significance After Mitigation
Aesthetics				
Construction Impact 12-1. Excluding those areas that will be retained as open space, the project site will take on a distinctively urban physiographic character as existing vegetation is removed, construction equipment introduced onto the site, hillside areas recontoured, new uses are introduced, and other physical modifications occur.	Less-than Significant	None	None	Less-than Significant
Aesthetic Impact 12-2. The project’s implementation will alter the site’s existing topography and necessitate the construction of numerous retaining walls.	Less-than Significant	Condition of Approval 12-1	None	Less-than Significant
Aesthetic Impact 12-3. The introduction of new residential and commercial uses will add new sources of artificial lighting to the project site and could result in light trespass extending beyond the project boundaries.	Potentially Significant Unless Mitigation Incorporated	None	Mitigation Measure 12-1	Less-than Significant
Aesthetic Impact 12-4. Much of the San Gabriel Valley is already highly urbanized and the area’s remaining open-space areas take on greater visual significance as a respite to the dominance of urban development.	Less-than Significant	None	None	Less-than Significant
Growth Inducement				
Growth-Inducing Impact 13-1. Because the project includes both an amendment to the “City of Diamond Bar General Plan” and the adoption of a specific plan, the project may result in on-site development activities that exceed current development assumptions and necessitate the provision of unplanned services and facilities beyond the project boundaries.	Less-than Significant	None	None	Less-than Significant
Growth-Inducing Impact 13-2. The construction of 202 dwelling units and the introduction of 153,985 square feet of commercial use will increase the City’s population by an estimated 662 individuals and directly create an estimated 462 new permanent jobs.	Less-than Significant	None	None	Less-than Significant

Table ES-2
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
Biological Resources			
5-1	Jurisdictional Features. In order to reduce impacts to United States Army Corps of Engineers and Regional Water Quality Control Board (ACOE/RWQCB) and California Department of Fish and Game (CDFG) jurisdictional waters, prior to the issuance of a grading permit, the Applicant shall demonstrate, to the satisfaction of the Community Development Director, receipt of any discretionary permits and approval as may be required from the ACOE, RWQCB, and CDFG and commit to the provision of compensatory jurisdictional resources meeting or exceeding the following minimal standards: (1) the on-site and/or off-site replacement of ACOE/RWQCB jurisdictional waters and wetlands at a 2:1 ratio; (2) the on-site and/or off-site replacement of CDFG jurisdictional streambed and associated riparian habitat at a 2:1 ratio; and (3) the incorporation of design features into the proposed project's design and development.	Community Development Director	Issuance of Grading Permits
Traffic and Circulation			
6-1	Prior to the recordation of the final tract map, the Applicant shall provide, to the satisfaction of the City Engineer, the intersection improvements identified in the traffic impact analysis or provide a “fair-share” contribution toward the cost of the improvements to the following intersections: (1) Brea Canyon Road (W) at Pathfinder Road; (2) Diamond Bar Boulevard at Pathfinder Road; (3) Brea Canyon Road at Cold Spring Lane; (4) Diamond Bar Boulevard at Cold Spring Lane; (5) Pathfinder Road at Brea Canyon Cutoff; (6) SR-57 SB Ramps at Brea Canyon Cutoff Road; (7) SR-57 NB Ramps at Brea Canyon Cutoff/Diamond Bar Boulevard; (8) Brea Canyon Road at Diamond Bar Boulevard; (9) Cherrydale Drive at Diamond Bar Boulevard; (10) Brea Canyon Road at Silver Bullet Drive; (11) Diamond Bar Boulevard at Grand Avenue; and (12) Colima Road at Brea Canyon Cutoff.	City Engineer	Final Tract Map Recordation
6-2	The final site plan shall include and accommodate those traffic measures, improvements, and such other pertinent factors and/or facilities as may be identified by the City Engineer to ensure the safe and efficient movement of project-related traffic.	City Engineer	Site Plan Approval
Air Quality			
7-1	All non-residential paints shall contain no more than 0.22 pound/gallon (100 gram/liter) of volatile organic compound (VOC).	Community Development Director	Building Permit Issuance
7-2	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 South Coast Air Quality Management District.		Building Permit Issuance
7-3	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.	City Engineer	Building Permit Issuance
7-4	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.		Building Permit Issuance

Table ES-2 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
Air Quality (Continued)			
7-5	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.	City Engineer	Final Tract Map Recordation
7-6	The Applicant shall specify the installation of energy efficient lighting, air conditioning, water heaters, and appliances for all residential and commercial uses.	City Engineer	Building Permit Issuance
7-7	The Applicant shall specify the installation of energy efficient street lighting.		
Noise			
8-1	In accordance with the Development Code, construction shall be restricted to between the hours of 7:00 AM and 8:00 PM on weekdays and Saturdays. No construction shall occur at any time on Sundays or on federal holidays. These days and hours shall also apply any servicing of equipment and to the delivery of materials to or from the site.	Building Inspector	Construction Term
8-2	All construction equipment shall be properly maintained and tuned to minimize noise emissions.	Building Inspector	Construction Term
8-3	All equipment shall be fitted with properly operating mufflers, air intake silencers, and engine shrouds no less effective than originally equipped.	Building Inspector	Construction Term
8-4	The construction contractor shall place temporary noise barriers along the site perimeter when doing any work within 100 feet of any residential units. Such barriers shall attempt to block the line of sight between the residents and construction equipment.	Building Inspector	Construction Term
8-5	The construction contractor shall specify the use of electric stationary equipment (e.g., compressors) that can operate off the power grid where feasible. Where infeasible, stationary noise sources (e.g., generators and compressors) shall be located as far from residential receptor locations as is feasible.	City Engineer	Building Permit Issuance
8-6	Construction shall be subject to any and all provisions set forth by the City of Diamond Bar Planning Department.	Planning Manager	Building Permit Issuance
8-7	No residential units shall be located within 830 feet of the SR-57 Freeway’s nearest travel lane unless additional sound attention is provided to the satisfaction of the Community Development Director.	Community Development Director	Final Tract Map Recordation
8-8	No commercial units shall be located within 60 feet of the centerline of Diamond Bar Boulevard.		Building Permit Issuance

Table ES-2 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Noise (Continued)		
8-9	No residential units shall be located within 130 feet of the centerline of Diamond Bar Boulevard unless additional sound attention is provided to the satisfaction of the Community Development Director.	Community Development Director	Final Tract Map Recordation
	Cultural Resources		
11-1	Prior to the issuance of a grading permit, a qualified archaeologist shall be retained by the Applicant and approved by the City to monitor all vegetation removal and ground disturbance to a depth of three feet within the following portions of the study area: (1) the boundary of SD-Cultural-1; (2) the open valley floor adjacent to SD-Cultural-1; and (3) the riparian areas that were not previously surveyed due to dense vegetation cover. The archaeologist will determine if additional monitoring below the depth of three feet is warranted based on soil and bedrock conditions and presence/absence of archaeological materials. No archaeological monitoring is required for ground disturbing activities outside of these monitor areas.	Community Development Director and City Engineer	Issuance of Grading Permits
11-2	If cultural resources are identified during monitoring of the ground disturbing activities, the archaeologist shall be allowed to temporarily divert or redirect grading or excavation activities in the vicinity of those resources in order to make an evaluation of the find and determine appropriate treatment. Treatment will include the goals of preservation where practicable and public interpretation of historic and archaeological resources. All cultural resources recovered will be documented on California Department of Parks and Recreation Site Forms to be filed with the CHRIS-SCCIC. The archaeologist shall prepare a final report about the monitoring to be filed with the Applicant, the City, and the California Historical Resources Information System South Central Coastal Information Center at the California State University, Fullerton (CHRIS-SCCIC), as required by the California Office of Historic Preservation. The report shall include documentation and interpretation of resources recovered, if any. Interpretation will include full evaluation of the eligibility of SD-Cultural-1 with respect to the California Register of Historic Places and CEQA. The report shall also include all specialists' reports as appendices. The City shall designate repositories in the event that significant resources are recovered. If cultural resources are identified during ground disturbing activities that occur outside the designated monitoring area, ground disturbing activities shall be temporarily redirected away from the vicinity of the find until the retained archaeologist is notified by the Applicant. The archaeologist shall coordinate with the Applicant as to the immediate treatment of the find until a proper site visit and evaluation is made by the archaeologist.	Building Inspector	Construction Term
11-3	If human remains are encountered unexpectedly during construction excavation and grading activities, Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Section 5097.98 of the Public Resources Code. If the remains are determined to be of Native American descent, the County Coroner has 24 hours to notify the California Native American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent of the deceased Native American, who will then help determine what course of action should be taken in dealing with the remains.	Building Inspector	Construction Term

Table ES-2 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Cultural Resources (Continued)		
11-4	Prior to the issuance of a grading permit, a qualified paleontologist meeting the qualifications established by the Society of Vertebrate Paleontologists shall be retained by the Applicant and approved by the City to develop and implement a paleontological monitoring plan. Development of the monitoring plan shall include a site visit by the paleontologist prior to initiation of project development in order to determine or delineate sensitive areas. The paleontologist may also perform collections of fossils from the surface and near-surface.	Community Development Director	Issuance of Grading Permits
11-5	The paleontologist shall attend a pre-grade meeting in order to become familiar with the proposed depths and patterns of grading of the study area.	City Engineer	Issuance of Grading Permits
11-6	The paleontologist shall establish a curation agreement with an accredited facility prior to grading permit issuance.	City Engineer	Issuance of Grading Permits
11-7	A paleontological monitor, supervised by the paleontologist, shall monitor all excavations in the Puente Formation or excavations anticipated to extend into the Puente Formation. If fossils are found during ground-disturbing activities, the paleontological monitor shall be empowered to halt the ground-disturbing activities within 25 feet of the find in order to allow evaluation of the find and determination of appropriate treatment.	Building Inspector	Construction Term
11-8	The paleontologist shall prepare a final report on the monitoring. If fossils were identified, the report shall contain an appropriate description of the fossils, treatment, and curation. A copy of the report shall be filed with the City and the Natural History Museum of Los Angeles County and shall accompany any curated fossils.	Community Development Director	Grading Sign-Off
	Aesthetics		
12-1	Pole-mounted or wall-mounted luminaires installed for the purpose of illuminating commercial areas, parking lots, roadways, and driveways shall conform to appropriate lighting standards and demonstrate that light trespass not exceed 0.5 horizontal foot candle, as measured at the project boundaries abutting any existing residential use. These standards shall not be applied to any adjoining public streets or other non-light-sensitive land uses.	Community Development Director	Building Permit Issuance

Table ES-3
RECOMMENDED CONDITIONS OF PROJECT APPROVAL

No.	Condition of Approval
	Land Use
1-1	Unless effective sound mitigation can be demonstrated once the project is operational or other controls imposed on delivery and related activities, no delivery activities shall occur between the hours of 10:00 PM and 7:00 AM.
1-2	The Applicant shall include as part of the real estate disclosure documentation, as required by the California Department of Real Estate for purchasers of those residential units to be constructed on the project site, the disclosure that commercial activities are proposed on the adjacent property and that the operational characteristics of those activities may include trucking, delivery, and maintenance operations by diesel-fueled and non-diesel-fueled vehicles.
1-3	Following the approval of the specific plan and/or any associated amendments to the City’s General Plan, the Lead Agency shall provide notification of that action to the Southern California Association of Governments (SCAG), requesting that any subsequent amendments to SCAG’s “Regional Transportation Plan” (RTP) and other regional planning forecasts reflect a greater level of population and housing growth within the City during the 2005-2010 time period.
1-4	Total new residential and non-residential development constructed on the project site shall not exceed 202 dwelling units and 153,985 gross leaseable square feet, respectively, unless a subsequent traffic study, addressing the traffic-related impacts associated with any such increase, is prepared by or submitted to and deemed acceptable by the City or unless such increase can be determined by the City to not result in any substantial increase in project-related traffic impacts. Should additional traffic impacts be identified, the City, at its sole discretion, may initiate additional environmental review and/or impose additional conditions or other measures in response to those impacts.
	Geotechnical Hazards
3-1	Prior to the issuance of grading and building permits, the Applicant shall demonstrate, to the satisfaction of the City Engineer, that each of the recommendations contained in the project’s preliminary geotechnical investigation and in any supplemental reports as may be prepared by the Applicant’s Geotechnical Engineer or by others have been incorporated into the project’s design, development, and operation. The project shall be constructed, operated, and maintained in accordance with those recommendations and with such additional geologic, geotechnical, seismic, and soils recommendations as may result from further analyses that may be presented to, imposed, or adopted by the City.
	Hydrology and Water Quality
4-1	If the flood control channel right-of-way is to be utilized as part of the project’s development plan, prior to the issuance of a grading permit, the Applicant shall obtain all requisite permits and approvals from the Los Angeles County Department of Public Works – Flood Control District allowing for the overbuilding of the Brea Canyon Storm Drain Channel and shall provide the City Engineer with documentation, acceptable to the City Engineer, demonstrating County approval and authorization, including a complete list of all permit requirements that may be associated therewith.
4-2	Prior to the issuance of a grading permit, the Applicant shall prepare and, when acceptable, the City Engineer shall approve a standard urban stormwater mitigation plan (SUSMP) conforming to the requirements of Section 8.12.1695 (Standard Urban Storm Water Mitigation Plan Requirements for New Development and Redevelopment Projects) of the Municipal Code.

Table ES-3 (Continued)
RECOMMENDED CONDITIONS OF PROJECT APPROVAL

No.	Condition of Approval
	Biological Resources (Continued)
5-1	In order to demonstrate compliance with applicable State and federal resource protection policies designed to protect or compensate for the loss of biological resources, prior to the approval of a grading permit, were applicable, the Applicant shall provide the Director with documentation of receipt of the following permits: (1) Section 401 (Federal Clean Water Act) water quality certification or waiver of waste discharge requirements from the Regional Water Quality Control Board, Los Angeles Region; (2) nationwide Section 404 (Federal Clean Water Act) permit from the United States Army Corps of Engineers; and (3) Section 1602 (California Fish and Game Code) streambed alteration agreement from the California Department of Fish and Game. The Applicant shall comply with all associated permit requirements.
5-2	Prior to the issuance of a grading permit, the Applicant shall submit to the Community Development Director and, when acceptable, the Director shall accept for subsequent processing an arborist-prepared tree survey, specifying: (1) the precise number and type of protected trees that will be directly or indirectly impacted by the proposed project; (2) the number (ratio), type, size, and source of trees that will be planted in compensation thereof; (3) the location of all replacement trees; (4) planting notes and irrigation requirements; (4) performance standards for the survivability of replacement trees; (5) a maintenance agreement stipulating the Applicant's obligations for a minimum 3-year period, including the annual reporting; and (6) the amount and derivation of the security deposit required under the City's tree preservation ordinance.
5-3	<u>California Walnut Woodland</u> . Measures to mitigate impacts to California walnut woodland will be orchestrated in concert with the replanting of trees protected by the City's tree preservation and protection ordinance. To the extent possible, southern California black walnut trees will be planted on manufactured slopes within the development. Prior to the issuance of a grading permit, a plan shall be submitted to the Community Development Director and, when acceptable, the Director shall approve a plan describing the number, size, and location of walnut trees to be planted and outline success criteria and adaptive management procedures to ensure that the mitigation plan is successful.
5-4	As determined feasible by the Community Development Director, initial vegetation removal activities shall be conducted outside the nesting season (February 15-August 15) to avoid impacts upon nesting birds. If initial vegetation removal activities occur during the nesting season, prior to the commencement of any grading or grubbing activities, all suitable habitat shall first be thoroughly surveyed by a qualified biologist for the presence of nesting birds. If any active nests are detected, a buffer of at least 300 feet (500 feet for raptors) shall be delineated, flagged, and vegetation removal activities avoided therein until the nesting cycle is complete, as determined by the surveying biologist or a qualified biological monitor.
5-5	BMP devices shall be designed in consultation with the Greater Los Angeles County Vector Control District and shall be of a type which minimizes the potential for vector (public nuisance) problems and maintained throughout the project life so as not to contribute to those problems. Unless accepted by the County and/or by the City, the responsibilities for and the funding of the maintenance of Best Management Practices (BMPs) shall constitute obligations of the homeowners' association as to those BMPs associated with the project's residential component and the property owners' association as to those BMPs associated with the project's commercial component. BMPs not directly attributable to a single project component or use shall, by agreement between owners, become the shared obligation of both associations.
	Transportation and Circulation
6-1	<u>Construction Worker Parking and Equipment Staging Plan</u> . Prior to the issuance of a grading permit, the Applicant shall submit and, when deemed acceptable, the City Engineer shall approve a construction worker parking and equipment staging plan (PESP) designed to minimize disturbance to the surrounding residences to the greatest extent feasible. Unless otherwise authorized therein, contractors and other construction personnel performing construction activities in proximity to the project site shall be prohibited from parking and/or operating construction equipment, dumpsters, trailers, or other material within a public right-of-way or other public property. The PESP can be combined with or become a part of the construction traffic safety plan and/or any other construction management plan as may be required by the City.

Table ES-3 (Continued)
RECOMMENDED CONDITIONS OF PROJECT APPROVAL

No.	Condition of Approval
	Transportation and Circulation (Continued)
6-2	Unless previously approved by the City Engineer, no construction access shall be authorized from and no construction traffic shall be permitted along Castle Rock Road and Pasado Drive, except as may be required to construct and maintain any project-related street and other improvements within and adjacent to those rights-of-way.
6-3	<u>Construction Traffic Safety Plan.</u> Prior to the issuance of a grading permit, the Applicant shall submit and, when deemed acceptable, the City Engineer shall approve a construction traffic mitigation plan (CTMP). The CTMP shall identify the travel and haul routes to be used by construction vehicles; the points of ingress and egress for all construction vehicles; temporary street or lane closures, temporary signage, and temporary striping; location of materials and equipment staging areas; maintenance plans to remove spilled debris from roadway surfaces; and the hours during which large construction equipment may be brought on/off the project site. The Applicant shall keep all haul routes clean and free of debris including but not limited to gravel and dirt as a result of its operations. The Applicant shall clean adjacent streets, as directed by the City Engineer, of any material which may have been spilled, tracked, or blown onto adjacent streets or areas. Hauling or transport of oversize loads will be allowed between the hours of 9:00 AM and 3:00 PM only, Monday through Friday, unless otherwise approved by the City Engineer. No hauling or transport will be allowed during nighttime hours, weekends, or federal holidays. The use of local streets shall be limited only to those that provide direct access to the destination. Haul trucks entering or exiting public streets shall at all times yield to public traffic. If hauling operations cause any damage to existing pavement, street, curb, and/or gutter along the haul route, the Applicant will be fully responsible for repairs. The repairs shall be completed to the satisfaction of the City Engineer.
6-4	<u>Traffic Control Plan.</u> Prior to the issuance of a grading permit, the Applicant shall submit and, when deemed acceptable, the City shall approve a traffic control plan (TCP). The TCP shall be consistent with the Southern California Chapter of the American Public Works Association’s “Work Area Traffic Control Handbook” (WATCH), the California Department of Transportation’s “Manual of Traffic Controls for Construction and Maintenance Work Zones,” or such alternative as may be deemed acceptable by the City. The TCP shall describe the Applicant’s plans to safely and efficiently maintain vehicular and non-vehicular access along local roadways throughout the construction period. If any temporary access restrictions or lane closures are proposed by the Applicant, the TCP shall delineate detour routes, the hours, duration and frequency of such restrictions, and the emergency access and safety measures that will be implemented during those closures or restrictions. The TCP can be combined with or become a part of the construction traffic safety plan and/or any other construction management plan as may be required by the City.
6-5	<u>Shared Parking Plan.</u> Prior to the issuance of building permits for any on-site commercial use, the Applicant shall submit and, when deemed acceptable, the Community Development Director and the City Engineer shall approve a shared parking study. The study, conducted using the Urban Land Institute’s “Shared Parking” (Second Edition, 2005) unless otherwise approved by the City, shall present a quantification of on-site commercial parking needs, quantify the number of on-site parking spaces required under existing City regulations, discuss and evaluate opportunities for shared parking between on-site commercial uses, and quantify the number and type of parking spaces that need to be provided to support those commercial uses to be developed on the project site. The number, type, and location of on-site parking shall be determined by the City based, in whole or in part, by the findings of that shared parking study.
	Air Quality
7-1	The Applicant shall include as part of the real estate disclosure documentation, as required by the California Department of Real Estate for purchasers of those residential units to be constructed on the project site, the disclosure that commercial activities are proposed on the adjacent property and that the operational characteristics of those activities may include trucking, delivery, and maintenance operations involving diesel-fueled vehicles.

Table ES-3 (Continued)
RECOMMENDED CONDITIONS OF PROJECT APPROVAL

No.	Condition of Approval
	Noise
8-1	All residential and commercial units shall include forced air ventilation designed and installed in accordance with Title 24 of California Building Code standards.
	Public Services
9-1	Prior to the commencement of grading activities, the Applicant shall prepare and submit for review by the Los Angeles County Sheriff’s Department (LACSD) a draft construction security plan outlining the activities that will be instituted by the Applicant to secure the construction site and the equipment and materials located thereupon from potential criminal incidents. The Applicant shall incorporate the recommendations of the LACSD, if any, into a final construction security plan and shall implement that plan during the construction period.
9-2	Prior to the issuance of building permits, the LACSD shall be provided the opportunity to review and comment upon building plans and the configuration of the development in order to: (1) facilitate opportunities for improved emergency access and response; (2) ensure the consideration of design strategies that facilitate public safety and police surveillance; and (3) offer specific design recommendations to enhance public safety and reduce potential demands upon police protection services.
9-3	Prior to the commencement of grading or grubbing activities, the Applicant shall prepare and submit and the Los Angeles County Fire Department (LACFD) shall review and, when deemed acceptable, approve a fire protection program and workplace standards for fire safety outlining those activities to be undertaken by the Applicant during the construction period. The Applicant shall abide by specific project-level permit conditions identified by the LACFD.
9-4	Prior to the issuance of a grading permit, the Applicant shall submit and the Los Angeles County Fire Department shall review and, when deemed acceptable, approve a fuel modification, landscape, and irrigation plan in compliance with County Very High Fire Hazard Severity Zone (Fire Zone 4) standards.
9-5	Prior to the issuance of building permits, the Los Angeles County Fire Department (LACFD) will review and, when deemed acceptable, approve (1) final water improvement plans including, but not limited to, the location, sizing, design, and fire flow capacity of the proposed water mains and fire hydrants and proposed access improvements to ensure compliance with applicable Fire Code requirements; and (2) building plans. The project’s water system shall be designed in response to final fire flow requirements identified by the LACFD.
9-6	Prior to the issuance of a grading permit, the Applicant shall submit to the Building Official for review and approval a temporary fencing and signage plan designed to discourage access to any active construction areas by children and other unauthorized parties.
9-7	Prior to the issuance of building permits, the Applicant shall present the City with a certificate of compliance or other documentation demonstrating that the Applicant has complied with the Walnut Valley Unified School District’s School Board resolutions governing the payment of school impact fees or has entered into an Assembly Bill 2926 authorized school fee mitigation agreement or is not subject to the school impact fee exaction.
9-8	Prior to the approval of the final subdivision map, unless an alternative milestone event or other manner of fulfillment of the Applicant’s obligations under Section 21.32.040 (Park Land Dedications and Fees) in Chapter 21.32 (Subdivisions) of the Municipal Code is first approved by the City Council, the Applicant shall provide the City with an in-lieu park fee payment in the manner and in the amount authorized thereunder.

Table ES-3 (Continued)
RECOMMENDED CONDITIONS OF PROJECT APPROVAL

No.	Condition of Approval
	Utilities and Service Systems
10-1	<p>Prior to the issuance of any grading permits, a sewer area study, prepared by a licensed civil engineer registered in the State of California, shall be submitted to the City Engineer and to the Los Angeles County Department of Public Works (LACDPW) for review and, when deemed acceptable, for approval. The sewer area study shall include sewer flow monitoring at specific locations to be determined by the City Engineer and the LACDPW. The sewer flow analysis shall include calculations for the quantities of sewer flow for the pre-development and post-development conditions and determine the impact on all affected City and County-operated sewerage facilities. Should project-related sewer flows be determined to impact the sewer capacity downstream from the proposed development, the Applicant shall be required to mitigate any potential capacity deficiency by a method approved by the City Engineer or the LACDPW, subject to appropriate jurisdictional authorities. The Applicant shall be responsible for all costs required to mitigate the potential capacity deficiency, including upgrading existing sewer mains.</p>
	Aesthetics
12-1	<p>The specific plan shall include design details, acceptable to both the City Engineer and to the Community Development Director, for all proposed retaining walls. Retaining wall plans shall include landscape and irrigation details sufficient to ensure that each of those elements are, as appropriate, integrated into wall design and that the interrelationship between those elements are considered from structural integrity and aesthetic viewpoints.</p>

1.0 INTRODUCTION

1.1 Purpose and Legal Authority

This document has been prepared by the City of Diamond Bar (City or Lead Agency) in response to and in accordance with the provisions of the California Environmental Quality Act, as amended (CEQA), codified in Division 13, Section 21000 *et seq.* of the Public Resources Code (PRC), and the State of California’s (State) Guidelines for the Implementation of the California Environmental Quality Act, as amended (State CEQA Guidelines), codified in Title 14, Chapter 3, Section 15000 *et seq.* of the California Code of Regulations (CCR). This “Draft Environmental Impact Report for the ‘Site D’ Specific Plan, SCH No. 2008021014” (DEIR), prepared in accordance with the provisions of CEQA and the State CEQA Guidelines, serves as an informational document prepared to inform public agency decision makers and the general public of the significant or potentially significant environmental effects that may be associated with the approval of the proposed approximately 29.69-acre¹ “Site D’ Specific Plan” (SDSP), including any and all discretionary actions associated therewith.

Portions of the project site are owned by the Walnut Valley Unified School District (WVUSD or District), the City, and the Los Angeles County Flood Control District (LACFCD or County), a division of the Los Angeles County Department of Public Works (LACDPW). The WVUSD’s governing body has determined that the District’s approximately 28.01-acre property (School Property or District Property) is unnecessary for future school use and has declared it to “surplus.”² Adjacent to that property, the City owns an approximately 0.93-acre contiguous site³ (City Property) located to the north and west of the LACFCD’s existing Brea Canyon Storm Drain Channel. The SDSP boundaries are illustrated in [Figure 1-1](#) (“Site D” Specific Plan Boundary Map) and the project site, as well as the immediately surrounding area, is shown in [Figure 1-2](#) (“Site D” Specific Plan - Aerial Photograph).

The applicable Los Angeles County Assessor’s parcel map for the District Property is presented in [Figure 1-3](#) (Los Angeles County Assessor’s Parcel Map – Walnut Valley Unified School District Property). The corresponding County Assessor’s parcel maps for the City Property and for the County Property are presented in [Figure 1-4](#) (Los Angeles County Assessor’s Parcel Map – City of Diamond Bar and Los Angeles County Flood Control District Properties). An aerial photograph illustrating the City and County Properties, including the existing Brea Canyon Road/Diamond Bar Boulevard intersection, is presented in [Figure 1-5](#) (City of Diamond Bar and Los Angeles County Flood Control District Properties - Aerial Photograph). The area where on-site surface drainage discharges to the channel can be seen in that photograph.

¹/ All acreage, square footage, cubic yardage, and other dimensional or volumetric figures presented herein are intended as approximations rather than as precise figures. Minor changes to those figures should be anticipated as the project progresses from the conceptual stage to the final design stage.

²/ As authorized under Section 17455 of the 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.”

³/ On January 17, 2006, the City 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” (Agenda No. 6.8, January 17, 2006).

Although not directly associated with the proposed project, in addition to the above referenced assessor’s maps, presented in Figure 1-6 (Los Angeles County Assessor’s Parcel Map – Tract Map No. 25989) is the corresponding Los Angeles County Assessor’s map for the existing residential neighborhood that abuts the project site to the south (Tract Map No. 25989), illustrating those existing residential lots located along Ambushers Street. These residential lots will be located in the closest proximity to the commercial development area included in the proposed SDSP. Those residential lots located at the terminus of Castle Rock Road and those residential lots located to the east of Pasado Drive would be located farther from active commercial areas.

The Brea Canyon Storm Drain Channel (Brea Canyon Channel), which runs generally parallel to Brea Canyon Road, separates the District Property from the City Property. The LACFCD’s approximately 0.75-acre facility (County Property) is presently an open box culvert which, as proposed and in accordance with the LACFCD’s “Guidelines for Overbuilding and Air Rights”⁴ and such other standards as may be established by the County, would be covered and the lands situated above that facility integrated into the design of the proposed project.

The term “Site D” was originally established by the WVUSD as part of a planning process conducted by the District with regards to the identification of real properties owned by the WVUSD that it determined to be no longer necessary for school district purposes.⁵ As part of that process, multiple properties were identified, including the 28.01-acre School Property. As used herein, the term “Site D” has been expanded to encompass not only the School Property but also the City Property, the County Property, and such additional off-site areas as may be reasonably required for any project-related improvements.

As required under Section 17462(a) of the California Education Code (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.” Since sale proceeds will be used to fund District activities, through the disposition of the District Property, the WVUSD seeks to obtain the maximum financial return to the District for the benefit of its constituents and its educational mission.

Although not inherently inconsistent, the City desires that the District Property and the City Property be developed in a unified manner so as to: (1) assure compatibility with and to meet the needs of the surrounding area; (2) provide reasonable revenue opportunities to the District for the benefit of its constituents and its educational mission; (3) provide a desirable level of sales tax revenues to the City; and (4) facilitate the development of street improvements at the Diamond Bar Boulevard and Brea Canyon Road intersection to accommodate existing and projected traffic demands.

On June 19, 2007, the City Council approved and on July 1, 2007 the City and the WVUSD executed a “Memorandum of Understanding” (MOU) whereby the parties 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 those land holdings. Under the terms of the MOU, the District agreed to reimburse the City for the cost of engaging a consultant to prepare a “specific plan” for the combined properties for the purpose of establishing design and development parameters for the use of those properties. Based on the

⁴/ Los Angeles County Department of Public Works, Construction Division – Permits and Subdivision Section, Guidelines for Overbuilding and Air Rights, Revised June 2004.

⁵/ Section 54221(b), California Government Code.

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cooperative relationship established under the MOU, for the purpose of CEQA compliance, both the City and the District are the project proponents.

As noted, the LACFCD is neither a signatory to the MOU nor has formally elected to serve as a project proponent. The County’s Brea Canyon Storm Drain Channel traverses the project site and, in its current form, imposes certain design constraints with regards to the site’s potential development. As a result, for planning purposes, the County Property has been included within the geographic area that would be encompassed under the proposed specific plan. Any modifications to the existing channel will necessitate a County permit and approval.

On March 18, 2008, 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.”⁶ Although neither the City nor the District will likely be the ultimate developer of the project site, both the City and the District, acting jointly and individually, constitute the “Applicant”⁷ for the proposed project. At least with regards to the City, the City is further serving in the dual role of both Applicant and Lead Agency. This dual role is typical of most public projects and is authorized under CEQA, the State CEQA Guidelines, and established agency practices.

Although both the draft specific plan and EIR were prepared by or under contract to the City, the two documents were independently prepared, such that this EIR takes a critical look at the specific plan relative to the avoidance and mitigation of those potential significant environmental impacts that might result from the specific plan’s adoption and implementation.

Without predetermining the outcome of any planning or environmental review process that would follow, in furtherance of the declared objectives of the two parties, the MOU established some broad parameters relative to the nature of the resulting specific plan. As specified, the specific plan will include “a mix of residential and commercial uses. . .Of the usable acreage on Site D, a minimum of fifty percent will be designated for residential development, and fifty percent will be designated for commercial use, exclusive of necessary infrastructure.”⁸

Each year, in conjunction with the development of the annual budget, the City Council establishes a set of goals and objectives for the fiscal year (FY). One of the City’s goals for the 2007-2008 FY is to “evaluate and develop a specific plan for the future use of the 28-acre parcel at Diamond Bar Boulevard and Brea Canyon Road (Site D) to incorporate a minimum of 50% of the site for retail commercial uses [and] residential development.”⁹ The objectives outlined in the MOU are, therefore, intended to be a broad reflection of the goals of the City.

Without precluding the City’s role, it is presently neither the intent of the City nor that of the District to be the subsequent developers of the subject property. The Lead Agency, however, acknowledges that its action, if any, with regards to the subject property, may influence the

⁶/ City of Diamond Bar, Minutes of the City Council Regular Meeting of the City of Diamond Bar, March 18, 2008, Item 4 (Response to Public Comments).

⁷/ As defined in Section 15351 of the State CEQA Guidelines: “Applicant” means 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.” The term “Applicant,” as used herein, is intended to apply to not only the City and the District, as the proponents of the proposed specific plan, but also to those subsequent holders of real property interests that will serve as the developers and/or master builders 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 programs that may be authorized under the provisions of the specific plan.

⁸/ City of Diamond Bar and Walnut Valley Unified School District, Memorandum of Understanding, July 1, 2007, Paragraph 1.3.

⁹/ City of Diamond Bar Internet website (<http://www.cityofdiamondbar.com/Index.aspx?page=283>).

timing and development of the Site D property and the subsequent use of the project site. As a result and in accordance with the provisions of CEQA,¹⁰ the “project” examined herein includes not only those activities of the District and the City which are anticipated in the MOU but those which may reasonably and logically result therefrom.

Prior to approving any action subject to CEQA, public agencies must demonstrate that they have complied with the provisions of CEQA and the State CEQA Guidelines. As authorized under Section 21084 of CEQA and Section 15300 *et seq.* of the State CEQA Guidelines, the State Legislature has determined that certain types (classes) of project which have been determined not to have a significant effect on the environment may be found to be statutorily or categorically exempt from further environmental review. As specified in Section 15312 of the State CEQA Guidelines, the sale of surplus government property may be found to be categorically exempt. As authorized thereunder, subject to the conditions so specified, both the City and the WVUSD may be authorized to dispose of their respective real property holdings without the need for detailed technical analysis.

Because the proposed project is not limited to real property disposition by the District and the City but encompasses other discretionary actions, including, but not limited to, an amendment to the “City of Diamond Bar General Plan” (General Plan), approval of a zone change, adoption of a specific plan, and approval of a tentative subdivision map, based on the preliminary analysis presented in the “Initial Study” (Appendix A), the Lead Agency has elected to prepare an environmental impact report¹¹ (EIR) addressing not only the direct impacts of those actions but also the indirect impact of the development activities which would likely follow therefrom, including the development of the project site and the construction, occupancy, and habitation of the authorized uses to the maximum densities allowable under the specific plan.

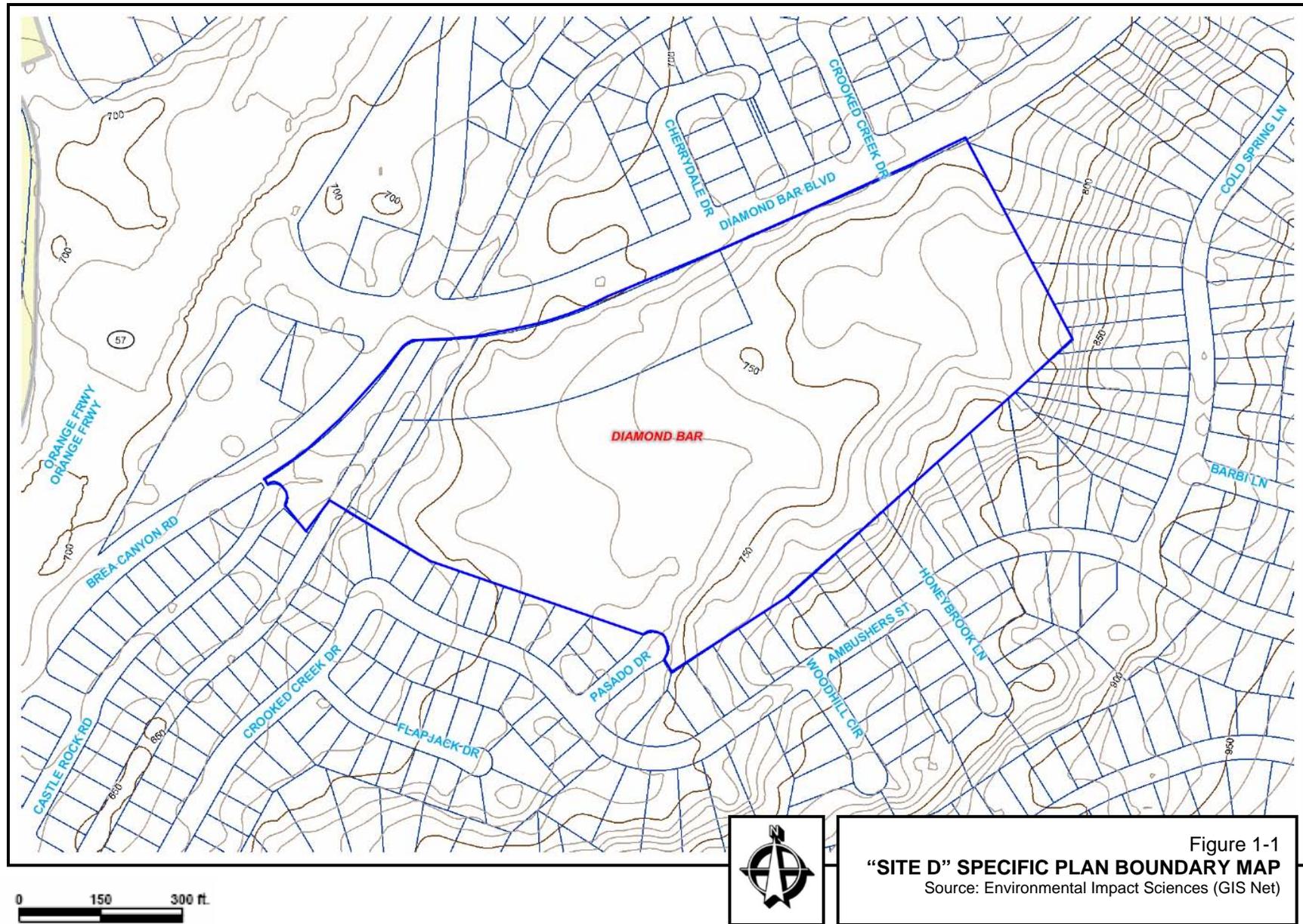
As indicated by the Governor’s Office of Planning and Research (OPR): “Future development proposals may benefit from the foundation created by the specific plan. For example, a program EIR adopted to fulfill the plan’s CEQA obligations may streamline the processing of subsequent discretionary projects by obviating the need for additional environmental documentation.”¹²

^{10/} As defined in Section 15378(a) of the State CEQA Guidelines: “Project’ means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following: (1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local general plans or elements thereof pursuant to Government Code Sections 65100-65700. (2) An activity undertaken by a person which is supported in whole or in part through public agency contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies. (3) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.”

^{11/} As indicated in Section 21061 of CEQA, an EIR is an “informational document which, when its preparation is required by this division, shall be considered by every public agency prior to its approval or disapproval of a project. The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.” As further indicated in Section 15121 of the State CEQA Guidelines, an EIR is identified as an “informational document.” As indicated therein, the “public agency shall consider the information in the EIR along with other information which may be presented to the agency.”

^{12/} State of California, Governor’s Office of Planning and Research, *The Planner’s Guide to Specific Plans*, April 1998 Edition, p. 6.

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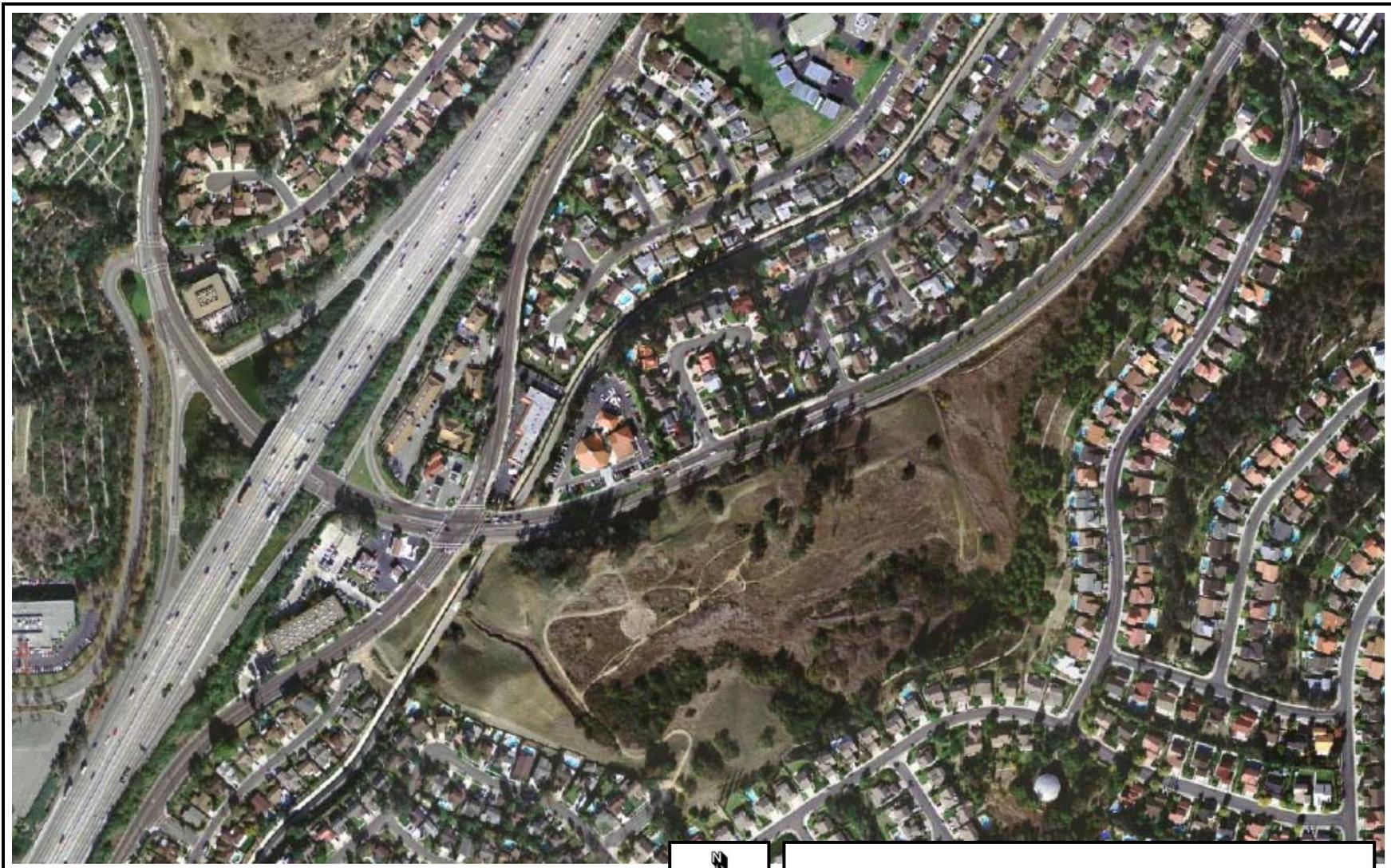


Figure 1-2
“SITE D” SPECIFIC PLAN - AERIAL PHOTOGRAPHIC
Source: United States Geological Survey (TerraServer)

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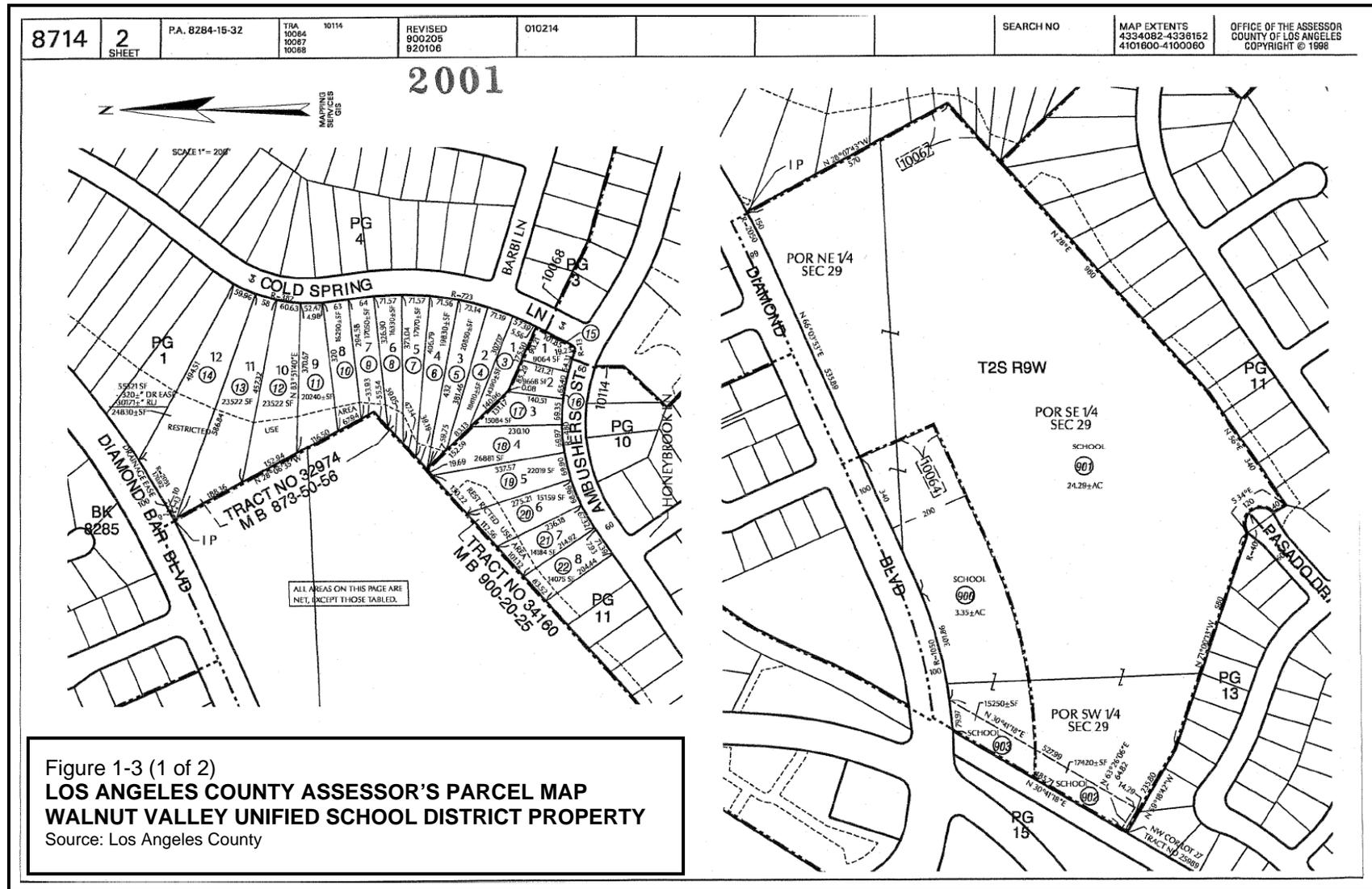
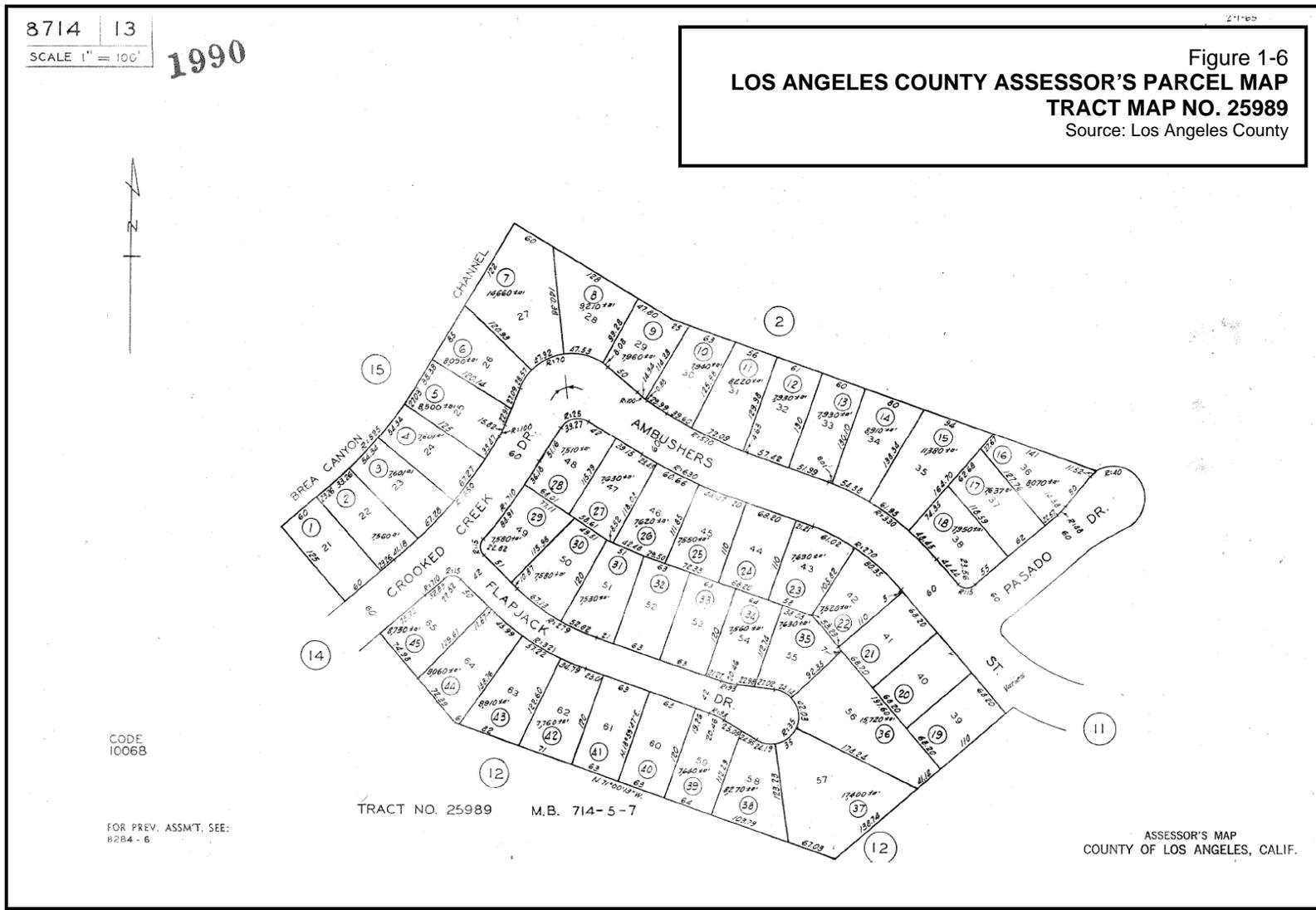




Figure 1-5
**CITY OF DIAMOND BAR AND LOS ANGELES COUNTY
FLOOD CONTROL DISTRICT PROPERTIES - AERIAL PHOTOGRAPH**
Source: United States Geological Survey (TerraServer)



Because the project examined herein includes legislative or quasi-legislative actions (e.g., general plan amendment, zone change, and specific plan adoption) and adjudicatory or quasi-adjudicatory actions (e.g., approval of tentative subdivision map, property disposition, and subsequent development of the project site in accordance with the design and development standards defined by those actions), the project has both programmatic and project-level components. To the extent that any subsequent holders of real property interests pursue the development of the project site in a manner consistent with and in conformity to the adopted specific plan,¹³ unless standards predicated the preparation of a subsequent or supplemental EIR were to be triggered, it is likely that no further CEQA compliance would be required as a precursor to those later actions (e.g., site-plan review).¹⁴

Pursuant to Section 15004 of the State CEQA Guidelines, choosing the precise time for CEQA compliance involves a balancing of competing factors. An EIR should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design yet late enough to provide meaningful information for environmental assessment. With public projects, at the earliest feasible time, project sponsors shall incorporate environmental considerations into project conceptualization, design, and planning. CEQA compliance should be completed prior to acquisition of a site for a public project.

In order to maximize the consideration of environmental issues in the planning process, the Lead Agency elected to commence the preparation of and to prepare this EIR concurrently with the preparation of the proposed specific plan. Broad parameters of that plan have, however,

^{13/} As required under Section 65402(a) of the CGC: “If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body. If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments for street widening, or alignment projects are of a minor nature.”

^{14/} As indicated in Section 65457(a) of the CGC: “Any residential project, including any subdivision, or any zoning change that is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified after January 1, 1980, is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code. However, if after adoption of the specific plan, an event as specified in Section 21166 of the Public Resources Code occurs, the exemption provided by this subdivision does not apply unless and until a supplemental environmental impact report for the specific plan is prepared and certified in accordance with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code. After a supplemental environmental impact report is certified, the exemption specified in this subdivision applies to projects undertaken pursuant to the specific plan.”

Pursuant to Section 21080.7 of CEQA, in urbanized areas, no additional environmental impact reports or negative declarations are required for later “housing or neighborhood commercial facilities” when: (1) the later project is consistent with a specific plan that has a certified EIR and that has been adopted not more than five years prior to making the required findings under this section; (2) the EIR is sufficiently detailed to identify the project’s significant effects and corresponding mitigation measures; (3) the lead agency has determined the type of environmental document needed in accordance with Section 21080.1 and has given notice of such fact in accordance with Section 21092(b) or (c); (4) the lead agency makes one or more of the findings required by Section 21081 of CEQA and Section 15091 of the State CEQA Guidelines; and (5) the lead agency files a notice of its decision with the county clerk. “Neighborhood commercial facilities” are defined as “those commercial facilities which are an integral part of a project involving the construction of housing and which will serve the residents of the housing” (Section 21090.7[b][1], CEQA). In that context, by defining the specific plan as the housing project, all commercial uses designed to serve the planning area would constitute “neighborhood commercial facilities.”

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been developed and sufficient information is known (or knowable) about the specific plan and the subsequent uses that would be authorized on the subject property to allow for a reasonable analysis of the proposed project.

As required under Section 22.16.040 (Environmental Resource Protection) in Chapter 22.16 (General Property Development and Use Standards) in Title 22 (Development Code) of the “City of Diamond Bar Municipal Code” (Municipal Code or Development Code): “Development proposals shall be evaluated in compliance with the California Environmental Quality Act (Public Resources Code § 21000 et seq.), city and general plan environmental policies including, but not limited to, open space habitat, sensitive biological and botanical resources; rare, threatened and/or endangered species; air quality; mineral resources; archaeological resources; and geologic hazards.”

The DEIR, in combination with the comments received thereupon, the City’s subsequent responses to those comments, and such additional materials as may be included into the project’s environmental review record, shall serve as the environmental basis for the Lead Agency’s independent actions with regards to the proposed project, either as proposed or as subsequently modified by the Applicant and/or by the Lead Agency. Those actions may include the approval, conditional approval, or denial of the Applicant’s development request or the approval or conditional approval of an alternative thereto.¹⁵ Should the Lead Agency elect to deny the proposed project, including any alternatives that may be identified by the Lead Agency and/or by the Applicant, the Lead Agency is not first obligated to certify this EIR. Conversely, should the Lead Agency elect to approve or conditionally approve the proposed project or an alternative thereto, the Lead Agency is first required to determinate the adequacy of the EIR and to certify that the EIR fully complies with CEQA and the State CEQA Guidelines.

If subsequently certified by the Lead Agency, the resulting “Final Environmental Impact Report for the ‘Site D’ Specific Plan, SCH No. 2008021014” (FEIR) will be utilized by the City, other responsible agencies,¹⁶ and other federal agencies with jurisdiction over the project and/or the

^{15/} The Lead Agencies identification and assessment of possible project alternatives are based on the Lead Agency’s compliance with Section 15126.6 of the State CEQA Guidelines. In formulating a reasonable range of alternatives, the Lead Agency also considered the provisions of Section 17464 of the California Education Code. As required therein: “Except as provided for in Article 2 (commencing with Section 17230) of Chapter 1, the sale or lease with an option to purchase of real property by a school district shall be in accordance with the following priorities and procedures: (a) First, the property shall be offered for park or recreational purposes pursuant to Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code, in any instance in which that article is applicable. (b) Second, the property shall be offered for sale or lease with an option to purchase, at fair market value in each of the following ways: (1) In writing, to the Director of General Services, the Regents of the University of California, the Trustees of the California State University, the county and city in which the property is situated, to any public housing authority in the county in which the property is situated, and to any entity referenced in paragraph (2) that has submitted a written request to the school district to be directly notified of the offer for sale or lease with an option to purchase the real property by the district. (2) By public notice to any public district, public authority, public agency, public corporation, or any other political subdivision in this state, to the federal government, and to nonprofit charitable corporations existing on December 31, 1979, and organized pursuant to Part 3 (commencing with Section 10200) of Division 2 of Title 1 of the Corporations Code then in effect or organized on or after January 1, 1980, as a public benefit corporation under Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code. Public notice shall consist of at least publishing its intention to dispose of the real property in a newspaper of general circulation within the district, or if there is no newspaper of general circulation in the district, then in any newspaper of general circulation that is regularly circulated in the district. The notice shall specify that the property is being made available to all public districts, public authorities, public agencies, and other political subdivisions or public corporations in this state, and to other nonprofit charitable or nonprofit public benefit corporations.”

^{16/} As defined in Section 15381 of the State CEQA Guidelines: “Responsible agency” means a public agency which proposes to carry out or approve a project, for which lead agency is preparing or has prepared an EIR

resources located thereupon to serve as the environmental basis for any and all discretionary actions that may be required for the project’s approval, conditional approval, and subsequent construction, operation, maintenance, use, and habitation.

1.2 Introduction to Tiered Environmental Documents

As indicated in Section 15152 of the State CEQA Guidelines, “[t]iering’ refers to using the analysis of general matters contained in a broad EIR (such as one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project. Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including general plans, zoning changes, and development projects.”

Two previous environmental analyses have been conducted by the Lead Agency addressing the development of the project site. Those studies include the program-level analyses conducted for the “City of Diamond Bar General Plan” (General Plan) and the previously proposed “Diamond Bar Economic Revitalization Area.” Those previously certified EIRs serve as valuable tools in understanding the existing project setting, the impacts associated with localized development activities, and the anticipated long-term environmental impacts associated with areawide development. This project-level assessment is tiered upon the “Final Environmental Impact Report for the City of Diamond Bar General Plan, SCH No. 91041083”¹⁷ (General Plan FEIR) and the “Final Environmental Impact Report for the Diamond Bar Economic Revitalization Area, SCH No. 96111047” (Revitalization FEIR).¹⁸ This DEIR, therefore, constitutes a second-tier analysis of the potential direct, indirect, and cumulative impacts resulting from the project site’s development and the property’s subsequent use and habitation.

This project-level EIR examines those impacts not previously examined as significant effects on the environment in those prior environmental analyses, those impacts that are or that may be susceptible to substantial reduction or avoidance by the choice of specific revisions to the project or by the imposition of mitigation measures or by other means, and those impacts for which substantial new information shows will be more significant than described in those prior environmental impact reports.

1.3 Introduction to the “Site D” Specific Plan

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. Specific plans can effectively establish a link between the implementing policies of the local general plan and individual development proposals in a defined area. A specific plan may be as general as setting forth broad policy concepts or as detailed as providing direction to

or negative declaration. For the purpose of CEQA, the term ‘responsible agency’ includes all public agencies other than the lead agency which have discretionary approval power over the project.”

^{17/} City of Diamond Bar, Final Environmental Impact Report for the City of Diamond Bar General Plan, SCH No. 91041083, July 14, 1992; City of Diamond Bar, Master Environmental Assessment - City of Diamond Bar, July 14, 1992; City of Diamond Bar, Addendum to the Final Environmental Impact Report for the City of Diamond Bar General Plan, SCH No. 91041083, May 9, 1995.

^{18/} City of Diamond Bar, Final Environmental Impact Report for the Diamond Bar Economic Revitalization Area, SCH No. 96111047, July 1, 1997.

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every facet of development from the type, location, and intensity of uses to the design and capacity of infrastructure systems.¹⁹

Section 65451 of the California Government Code (CGC) mandates that a specific plan contain the following components: (1) A specific plan shall include a text and a diagram(s) specifying all of the following in detail: (a) the distribution, location, and extent of the uses of land, including open space, within the area covered by the plan; (b) the proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan; (c) standards and criteria by which development will proceed and standards for the conservation, development, and utilization of natural resources, where applicable; and (d) a program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry out the items (a), (b), and (c) above; and (2) The specific plan shall include a statement of the relationship of the specific plan to the general plan.

As indicated in Section 66473.5 of the CGC: “No local agency shall approve a tentative map, or a parcel map for which a tentative map was not required, unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1, or any specific plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1. 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 in such a plan.”

As indicated by OPR: “To the extent feasible, the process of preparing the specific plan and the environmental analysis should proceed concurrently because both documents require many of the same studies and resulting information. As the name implies, a specific plan EIR should contain analyses specific enough to reflect the level of detail in the plan.”²⁰

Authorization for and City requirements concerning the content, filing, and processing of specific plans are outlined in Chapter 22.60 (Specific Plans), in Title 22 (Development Code) of the “City of Diamond Bar Municipal Code” (Municipal Code). As specified in Section 22.60.060 (Adoption of Specific Plan) therein, the “adoption of a proposed specific plan is entirely at the discretion of the council. The council shall adopt a specific plan only if it finds that the proposed plan is consistent with the general plan and other adopted goals and policies of the city, and that the proposed specific plan is in compliance with the provisions of the California Environmental Quality Act.”

1.4 Scoping Activities

“Scoping” is an important component of the environmental review process. Referencing Section 15083 of the State CEQA Guidelines, “[m]any public agencies have found that early consultation solves many potential problems that would arise in more serious form later in the review process. This early consultation may be called scoping. . . Scoping has been helpful to agencies in identifying the range of actions, alternatives, mitigation measures, and significant

^{19/} State of California, Governor’s Office of Planning and Research, *The Planner’s Guide to Specific Plans*, January 2001 Edition, p. 4.

^{20/} *Ibid.*, p. 23.

effects to be analyzed in depth in an EIR and in eliminating from detailed study issues found not to be important.”

On February 1, 2008, the City’s Community Development Department (Department) executed and disseminated an “Initial Study” (Initial Study) presenting a preliminary assessment of the potential impacts of the proposed project. 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 Initial Study, included in Appendix A (Initial Study and Notice of Preparation) herein, concluded that the project, as proposed, 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 topical issues examined herein are based on the preliminary findings outlined in the Initial Study, comments received by the Lead Agency following the dissemination of the “Notice of Preparation” (NOP), and the Lead Agency’s independent assessment of the project’s potential environmental consequences.

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

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 proposed project. 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). A summary of public comments received at that scoping meeting is included in Appendix B (Scoping Meeting).

All written comments received by the Lead Agency following the dissemination of the NOP and all oral comments presented to the Lead Agency during the pre-circulation scoping meeting have been considered in the preparation of this EIR and in the derivation of those preliminary findings presented herein.

1.5 Documents Incorporated by Reference

Section 15150 of the State CEQA Guidelines authorize EIRs to “incorporate by reference” all or portions of other documents that are a matter of public record and either relate to the proposed project or provide additional information concerning the project’s environmental setting and/or impacts. Where all or part of another document is incorporated by reference, the incorporated language shall be considered to be set forth in full as part of the text of the EIR. As such, the incorporated language does not need to be again repeated since the information presented is assumed to be part of the EIR into which that material is incorporated. Pursuant to that CEQA authority, the following documents are hereby incorporated by reference and by this reference made a part of this EIR:

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- Southern California Association of Governments, Draft 2008 Regional Transportation Plan Program Environmental Impact Report, SCH No. 2007061126, January 2008.

As described by the Southern California Association of Governments (SCAG): “The purpose of the 2008 RTP is to provide a clear, long term vision of the regional transportation goals, policies, objectives and strategies of the SCAG region. The plan provides an assessment of current and projected demand for travel and goods movement in the region, and includes actions to meet the region’s mobility and accessibility needs.”²¹ The “Draft 2008 Regional Transportation Plan: Making the Connection” (Draft 2008 RTP) identifies the improvements to the regional transportation system based on anticipated population growth and the need to maintain and preserve an aging transportation system for its long-term viability. This program-level EIR provides information about the project’s regional setting and describe anticipated regional growth and the potential impacts associated with that growth through a 2035 horizon year.

- City of Diamond Bar, Final Environmental Impact Report for the City of Diamond Bar General Plan, SCH No. 91041083, July 14, 1992; City of Diamond Bar, Master Environmental Assessment - City of Diamond Bar, July 14, 1992; City of Diamond Bar, Addendum to the Final Environmental Impact Report for the City of Diamond Bar General Plan, SCH No. 91041083, May 9, 1995.

The “Final Environmental Impact Report for the City of Diamond Bar General Plan, SCH No. 91041083” and the “Addendum to the Final Environmental Impact Report for the City of Diamond Bar General Plan, SCH No. 91041083” (General Plan FEIR) provide a program-level assessment of the potential environmental impacts associated with the implementation of the plans and policies outlined in the then proposed 1992 “City of Diamond Bar General Plan.” The General Plan FEIR provided substantial and useful background information concerning the environmental setting within the City as well as a program-level assessment of the potential impacts that could occur as a result of the 1992 General Plan’s implementation.

The “Addendum to the Final Environmental Impact Report for the City of Diamond Bar General Plan, SCH No. 91041083” (1995 Addendum) was prepared in response to a petition to repeal the City’s approval of the 1992 General Plan and the City’s subsequent preparation of a revised City-wide planning document. The 1995 Addendum examined the potential environmental impacts associated with the approval and effectuation of the 1995 “City of Diamond Bar General Plan,” which included the project site.

The “Master Environmental Assessment – City of Diamond Bar” (MEA) provided the City with a comprehensive database encompassing the existing (1992) physical, social, environmental, and economic conditions influencing future planning decisions in the City. The document presented a generalized description of the community, described those existing conditions affecting the City, and identified issues and opportunities associated with a number of technical areas relevant to this environmental analysis.

Referencing Resolution No. 92-43: “This City Council finds that although the [General Plan] Final EIR identifies certain significant environmental effects that will result if the

^{21/} Southern California Association of Governments, Draft 2008 Regional Transportation Plan Program Environmental Impact Report, SCH No. 2007061126, January 2008, p. 2-3.

proposed General Plan is adopted, all significant effects that can feasibly be mitigated or avoided have been reduced to the extent feasible by the imposition of mitigation measures contained within the Final EIR and Mitigation Monitoring Plan.”²²

As further indicated in Resolution No. 95-20, “the mitigation measures contained in the Final Environmental Impact Report which was prepared in connection with the 1992 General Plan remain current and valid and a revised Mitigation Monitoring Program is hereby made a part of the Final Environmental Impact Report for the 1995 General Plan to ensure implementation of the mitigation measures identified in the Final Environmental Impact Report.”²³ As indicated in the 1995 General Plan Mitigation Monitoring Program, “the goals, objectives, policies, and specific actions, are the proposed mitigation measures of the updated General Plan.”²⁴

- City of Diamond Bar, Final Environmental Impact Report for the Diamond Bar Economic Revitalization Area, SCH No. 96111047, July 1, 1997.

The “Final Environmental Impact Report for the Diamond Bar Economic Revitalization Area, SCH No. 9611104” (Redevelopment Plan FEIR) provided a program-level assessment of the establishment and subsequent redevelopment of a proposed 1,454-acre redevelopment area which included the project site. The Redevelopment Plan FEIR assumed and examined the impacts associated with the development of 260 single-family residential units and about 0.83 million square feet of non-residential development over a 10-year period and about 1.51 million square feet of non-residential use over a 20-year period. Under the heading “public facilities improvements,” the document includes the following reference to “Site D”: “Park development (Site D) – eg. Buildings, recreation facilities, ball fields.”²⁵

The Redevelopment Plan FEIR presented a general description of the then existing environmental setting, analyzed the potential impacts resulting from the redevelopment of the project area and other related project activities identified therein, and identified mitigation measures to reduce or avoid the impacts resulting from those activities. With the exception of air quality, the Redevelopment Plan FEIR concluded that all identified impacts could be mitigated to below a level of significance.

Although separate and distinct from the “Diamond Bar Village Specific Plan,” as constructed in the vicinity of Grand Avenue and Golden Springs Drive, the two projects bear many similarities that may help the public and the project’s decision makers visualize post-project conditions and, both from a document-based and operational perspective, assess the environmental impacts that may occur should the proposed SDSP project be approved.

The environmental analysis conducted for that project assumed that 202 dwelling units (condominiums or townhomes) would be developed in that up-slope portion (upper parcel) of

^{22/} City of Diamond Bar, Resolution 92-43 (A Resolution of the City Council of the City of Diamond Bar Certifying the Environmental Impact Report for the General Plan of the City of Diamond Bar and Adopting a Statement of Overriding Considerations), pp. 4-5.

^{23/} City of Diamond Bar, Resolution No. 95-20 (A Resolution of the City Council of the City of Diamond Bar Incorporating Resolution No. 92-43 by Reference and Certifying the Adequacy of the Addendum to the General Plan Environmental Impact Report and Making Findings Thereon Pursuant to the California Environmental Quality Act), adopted by the City Council on May 9, 1995, p. 3.

^{24/} City of Diamond Bar, Implementation/Mitigation Monitoring Program, July 25, 1995, p. MMP-5.

^{25/} *Op. Cit.*, Final Environmental Impact Report for the Diamond Bar Economic Revitalization Area, SCH No. 96111047, p. 1-13.

the property located furthest from the major intersection. The down-slope area (lower parcel) was assumed to include 170,000 square feet of new retail commercial development (and up to an additional 50,000 square feet of new institutional and business-park use). Details regarding the specific types of commercial-retail uses were set forth in the proposed specific plan and included a major retail tenant and smaller shops and/or commercial-retail goods and services.

Each of the above referenced environmental documents are incorporated herein by reference and are available for review at the City’s Community and Development Services Department (21825 Copley Drive, Diamond Bar) during the Department’s regular business hours.

1.6 Agencies/Organizations Associated with the Proposed Project

Presented in Table 1-1 (Agencies, Organizations, and Individuals Associated with the Proposed Project) is a listing of those agencies, organizations, and individuals associated with the proposed project including, but not limited to: (1) the Lead Agency; (2) the Applicant; (3) those responsible agencies that will or that may be required to take one or more discretionary actions concerning the proposed project; (4) federal agencies from whom discretionary permits or approval will or may be required; and (5) trustee agencies having jurisdiction by law over those natural resources affected by the proposed project.

The Lead Agency’s failure to list one or more such agencies herein does not preclude that agency or those agencies from subsequently utilizing this EIR as the environmental basis for those later actions. Similarly, the mere identification of an agency as a potential responsible agency herein does not elevate the role of that agency or otherwise change that agency’s CEQA compliance obligations in the event that it is subsequently determined that no discretionary permits or approvals are required from that agency or if the agency’s actions are determined to be statutorily or categorically exempt from further CEQA compliance.

1.7 Custodian of Records

The documents, studies, reports, correspondence, and other material comprising the administrative record for the proposed project are located at the City of Diamond Bar Community Development Department (21825 Copley Drive, 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) shall serve as the custodian of record.

1.8 Independent Judgment

The information, analysis, and preliminary conclusions, as well as the identified thresholds of significance standards, recommended mitigation measures, and range of project alternative presented herein, reflect the independent judgment of the Lead Agency relative to the potential direct, indirect, and cumulative impacts of the proposed project.

Prior to the certification of the FEIR, the Lead Agency will not nor has the Lead Agency made any decisions that would constitute an irretrievable commitment of resources toward the proposed project nor has the City previously committed to a definite course of action with respect to the proposed project. Prior to certification, no statements presented herein should be construed as being indicative of a final decision on the part of the City with regards to the proposed project, City-issued entitlements, and/or the City’s CEQA obligations.

Table 1-1
AGENCIES, ORGANIZATIONS, AND INDIVIDUALS
ASSOCIATED WITH THE PROPOSED PROJECT

Affiliation	Contact
Lead Agency	City of Diamond Bar Community Development Department Attn: Greg Gubman, AICP, Director 21825 Copley Drive Diamond Bar, California 91765-4178 (909) 839-7030
State Clearinghouse	Governor’s Office of Planning and Research - State Clearinghouse Attn: Scott Morgan, Project Analyst 1400 Tenth Street, Room 222 (P.O. Box 3044) Sacramento, California 95814 (Sacramento, California 95812-3044) (916) 445-0613
Applicant	City of Diamond Bar Community Development Department Attn: Greg Gubman, AICP, Director 21825 Copley Drive Diamond Bar, California 91765-4178 (909) 839-7010
	Walnut Valley Unified School District (District) Attn: Dr. Cynthia Simms, Superintendent 880 South Lemon Avenue Walnut, California 91789 (909) 595-1261
District’s Planning Consultant	TRG Land, Inc. Attn: Mark Rogers, Principal 898 Production Place Newport Beach, California 92663 (949) 722-0634
Lead Agency’s CEQA Consultant	Environmental Impact Sciences Attn: Peter Lewandowski, Principal 26051 Via Concha Mission Viejo, California 92691-5614 (949) 837-1195
Potential Responsible Agencies	Walnut Valley Unified School District Attn: Dr. Cynthia Simms, Superintendent 880 Lemon Avenue Walnut, California 91789 (909) 595-1261
	California Regional Water Quality Control Board, Los Angeles Region (4) Attn: Jonathan Bishop, Chief, Regional Planning 320 West 4 th Street, Suite 200 Los Angeles, California 90013 (213) 576-6640
	California Department of Fish and Game, Region 5 Attn: Charles F. Raysbrook, Regional Manager 4949 Viewridge Avenue San Diego, California 92123 (858) 467-4201
	County of Los Angeles Department of Public Works Attn: Donald L. Wolfe, Director 900 S. Fremont Avenue Alhambra, California 91803 (626) 458-5100

Table 1-1 (Continued)
**AGENCIES, ORGANIZATIONS, AND INDIVIDUALS
 ASSOCIATED WITH THE PROPOSED PROJECT**

Affiliation	Contact
Potential Trustee Agency	California Department of Fish and Game, Region 5 Attn: Charles F. Raysbrook, Regional Manager 4949 Viewridge Avenue San Diego, California 92123 (858) 467-4201
Potential Federal Agencies	United States Army Corps of Engineers Los Angeles District Office Attn: Priya Finnemore P.O. Box 53211 Los Angeles, California 90053-2325 (213) 894-5606
	United States Fish and Wildlife Service, Region 8 Carlsbad Field Office Attn: Ken Corey, LA/Central Coast Division Chief 6010 Hidden Valley Road, Suite 101 Carlsbad, California 92011 (760) 431-9440

Source: Environmental Impact Sciences

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2.0 PROJECT DESCRIPTION

2.1 Project Location

The approximately 29.69-acre project site is located within the corporate boundaries of the City 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 on the southeast corner of Brea Canyon Road and Diamond Bar Boulevard. The project site represents an urban infill property, presently surrounding by existing commercial and residential development and by public streets.

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 single-family detached dwelling units. Engineered slope areas, including v-ditch drainage features, separate the project site from existing 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.

As illustrated in [Figure 2-1](#) (Regional Vicinity Map), [Figure 2-2](#) (Local Vicinity Map), and [Figure 2-3](#) (Site Location Map), the project site is generally located east of State Route 57 (SR-57 [Orange] Freeway) and Brea Canyon Road and southeast of the intersection of Orange Freeway, Diamond Bar Boulevard, and Brea Canyon Cutoff. The project site is located to the north of the terminus of Castle Rock Road and to the north of the terminus of Pasado Drive. Additional aerial photographs of the project site and general project vicinity are presented in [Figure 1-2](#) (“Site D” Specific Plan - Aerial Photograph) and in [Figure 1-5](#) (City of Diamond Bar and Los Angeles County Flood Control District Properties - Aerial Photograph).

2.2 Project Objectives

In accordance with Section 15124 of the State CEQA Guidelines, EIRs shall include a description of the proposed project, including: (1) the precise location and boundaries of the project, as illustrated on a detailed map; (2) a statement of objectives sought by the proposed project; (3) a general description of the project’s technical, economic, and environmental characteristics; and (4) a statement describing the intended uses of the EIR, including a listing of agencies expected to utilize the EIR in their decision-making process and a list of approvals required from those agencies. The project’s objectives serve to define the intent of project and form the basis for the project’s alternatives analysis under CEQA.¹

Referencing Section 15124(b) of the State CEQA Guidelines, the description of the project shall contain “[a] statement of objectives sought by the proposed project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project.” As further required under Section 15126(d) of the State CEQA Guidelines, the Lead Agency is required to “[d]escribe a range of reasonable alternatives to the project, or to the

^{1/} As indicated in Section 21002 of CEQA: “The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects, and the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.”

location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.” As a result, the manner in which the project’s objectives are defined influences the range of alternatives formulated by the Lead Agency and considered in the EIR.

In formulating the following set of project objectives, because they include broad-based policies relating to development activities undertaken within the City, a number of sources were considered, including the General Plan and the Municipal Code. The broad purpose of the General Plan is to express the policies that serve to guide the City’s decisions on future growth, development, and resource protection. Specific plans, zoning, subdivisions, local agency projects, and other local land-use decisions must be consistent with the General Plan.

As indicated in Section 22.01.020 (Purpose and Intent of Development Code) in Title 22 (Development Code) of the Municipal Code: “The purpose of this Development Code is to implement the policies of the Diamond Bar General Plan by classifying and regulating the uses of land and structures within the City of Diamond Bar. In addition, this Development Code is adopted to protect and to promote the public health, safety, and general welfare of residents, and preserve and enhance the aesthetic quality of the City. To fulfill these purposes, it is the intent of this Development Code to: (1) Provide standards for the orderly growth and development of the City, and promote a stable pattern of land uses; (2) Implement the uses of land designated by the Diamond Bar General Plan and avoid conflicts between land uses; (3) Maintain and protect the value of property; (4) Conserve and protect the natural resources of the City; (5) Protect the character, and social and economic stability of residential, commercial, and industrial areas; (6) Assist in maintaining a high quality of life without causing unduly high public or private costs for development or unduly restricting private enterprise, initiative, or innovation in design; and (7) Provide regulations for the subdivision of land in compliance with the Subdivision Map Act, Title 7, Section 4, Division 2 of the California Government Code.”

2.2.1 Lead Agency’s Objectives

The project site is located in the City of Diamond Bar and is subject to the plans and policies of the City.² Since the City’s planning and land-use decisions with regards to the proposed project will be predominately based on the plans and policies established by the City and presented in the City General Plan, that document constitutes the appropriate source for the identification of project objectives. The following objectives, which are independent of any project-related objectives identified by the Applicant, have been extracted from the City General Plan and serve as the Lead Agency’s objectives for the proposed project.³

^{2/} Pursuant to Section 22.70.010 (Purpose) in Chapter 22.70 (General Plan, Development Code, and Zoning Map Amendments) of the Municipal Code, the City is authorized to amend the General Plan, the Title 22 (Development Code) of the Municipal Code, and the City’s official zoning map. A General Plan amendment may include revisions to strategies, goals, land-use designations, objectives, or text. Amendments to this Development Code may modify any procedures, provisions, requirements, or standards, applicable to the development and/or use of property within the city. Zoning map amendments have the effect of rezoning property from one zoning district to another. Because the General Plan, Development Code, and zoning map must be viewed as dynamic documents, the Lead Agency has elected not to utilize the land-use provisions currently applicable to the project site as the basis for the Lead Agency’s objectives herein.

^{3/} Because the General Plan (Land Use Policy Map) and Municipal Code (Official Zoning Map) both include provisions for its subsequent amendment, the Lead Agency’s objectives need not be constrained by the existing land-use designation of the subject property nor limit the range of uses under consideration to only those presently authorized therein. As such, the Lead Agency has sought to identify other applicable or potentially applicable General Plan provisions focusing on broader land-use consideration.

“Site D” Specific Plan
 City of Diamond Bar, California

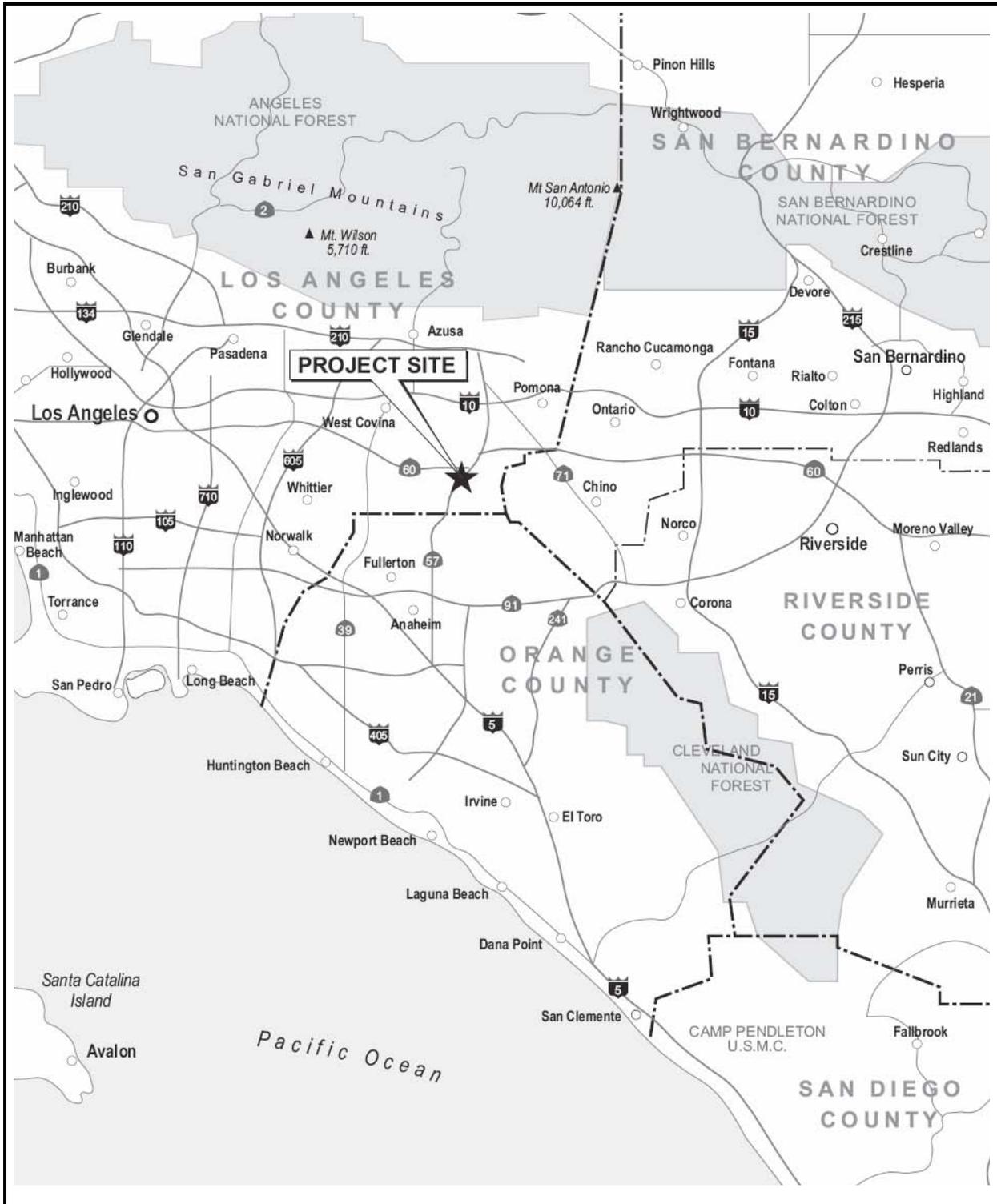


Figure 2-1
REGIONAL VICINITY MAP
 Source: PCR Services Corporation

“Site D” Specific Plan
City of Diamond Bar, California

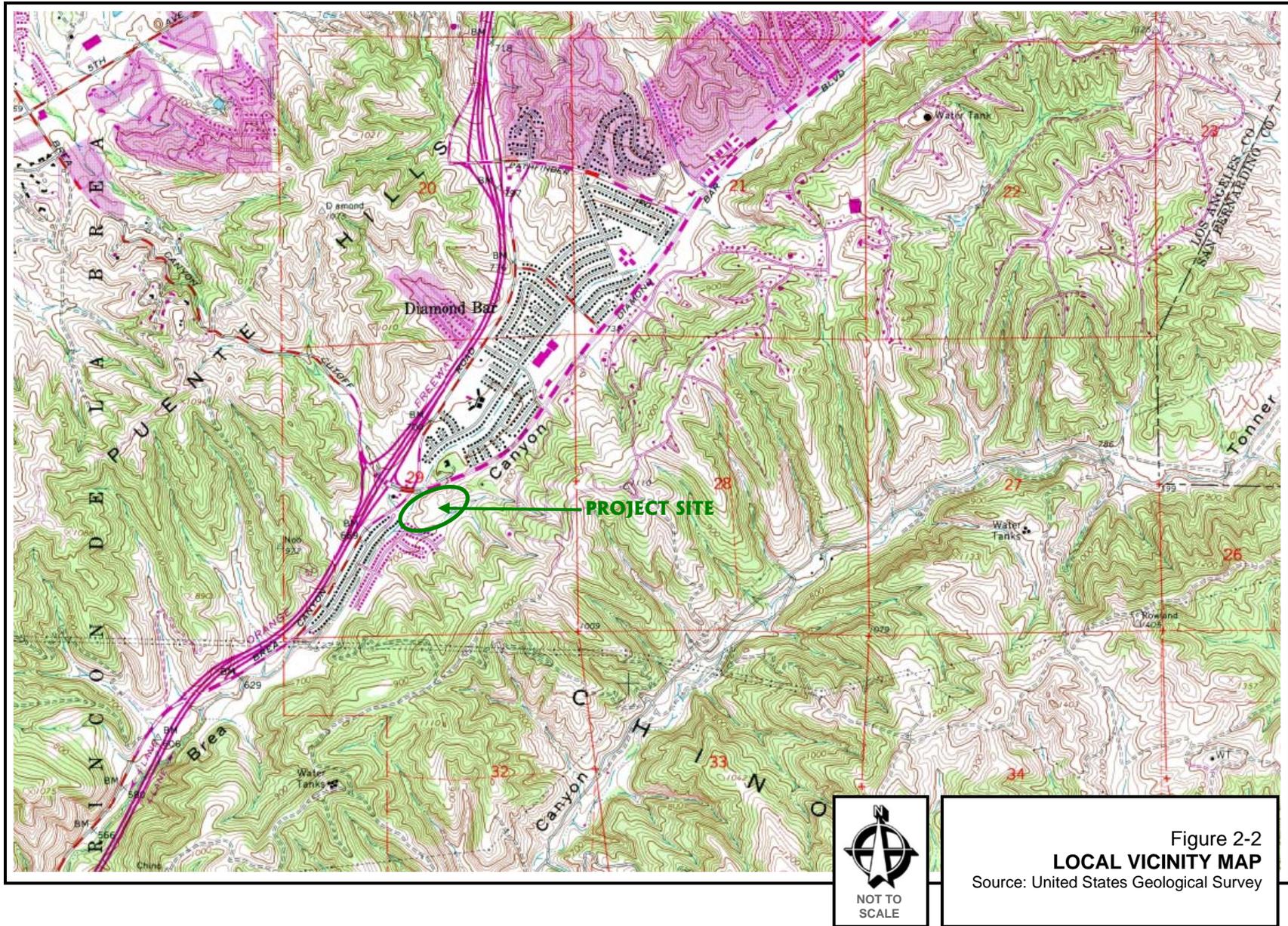


Figure 2-2
LOCAL VICINITY MAP
Source: United States Geological Survey



Figure 2-3
SITE LOCATION MAP
Source: PRC Services Corporation

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“Site D” Specific Plan

City of Diamond Bar, California

- Require that new development be compatible with surrounding land uses (Strategy 2.2.1, Land Use Element).
- Balance the retention of the natural environment with its conversion to urban form (Strategy 3.3.1, Land Use Element).

The City has elected to prepare and process a specific plan⁴ for the “Site D” property for the purpose of defining the types of permitted and conditionally permitted land uses that the City Council believes to be appropriate for the project site and the project setting, to define reasonable limits to the intensity and density of those uses, and to establish the design and development standards for those uses. The following additional broad project objective can be derived from Section 22.60.020 (Applicability) and Section 22.60.060 (Adoption of Specific Plan) in Chapter 22.60 (Specific Plans) of the 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.

As noted, so as to not to unreasonably narrow the range of alternatives that could be considered, at this stage of the planning and environmental review process, none of these objectives serve to artificially constrain or otherwise dictate the types of land uses that can be developed on the project site.

2.2.2 Applicant’s Objectives

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 Applicant-based objectives. The following Applicant-based objectives can be derived from that document.

- 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.
- 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.

Holders of real property assets typically seek beneficial economic or other functional returns from those holdings. As such, with regards to raw land, landowners identify the types of uses that, in their judgment, serve to accomplish specific economic or functional objectives, define the nature of the uses that may accomplish those objectives, and seek entitlements for those uses from their respective municipalities. It is, therefore, both reasonable and appropriate for the property owners to assess market conditions, examine other variables, and identify a preferential use and product type.

With regards to “Site D,” the property owners have established broad economic objectives and have, in general terms, determined the nature of the land use that would seek to accomplish those objectives. The City Council has established the following goal and objective for the “Site D” property for the 2009-2010 FY: “Evaluate and develop a Specific Plan for the future use of

^{4/} As authorized under Section 65450 of the CGC, after the legislative body has adopted a general plan, the planning agency may, or if so directed by the legislative body, shall prepare specific plans for the systematic implementation of the general plan for all or any part of the area covered by the general plan.

the 28 acre parcel at Diamond Bar Blvd. and Brea Canyon Road (Site D) to incorporate a minimum of 50% of the site for retail commercial uses/residential development.”

As further indicated in the MOU, of the usable acreage on “Site D,” a minimum of 50 percent of the property be designated for residential development and 50 percent will be designated for commercial use, exclusive of necessary infrastructure. Based on those actions, the following additional Applicant-based objectives can be established.

- With regards to the project site, pursue the establishment of site-specific land-use policies that allow, in reasonably comparable acreage, the development of both commercial and residential uses of the property, accommodating the provision of additional housing opportunities and the introduction of revenue-generating uses.
- Establish a specific plan as the guiding land-use policy mechanism to define the nature and intensity of future development and to establish design and 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.

2.3 Project Description

The proposed “Site D’ Specific Plan” project contains a number of related elements, including both specific actions and activities which are presently before the Lead Agency and later activities which can be reasonably anticipated as a result of those actions 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 of 202 dwelling units and 153,985 gross leaseable square feet of commercial use within the 29.69-acre specific plan boundaries. Within the City, specific plans are authorized by and regulated under Chapter 22.60 (Specific Plans) in Title 22 (Development Code) of the Municipal Code.

As specified in Section 22.60.040 (Preparation and Content) of the Development Code, the draft specific plan shall include detailed information in the form of text and diagrams, organized in compliance with an outline furnished by the State⁵ and include the following material: (1) proposed land uses (the distribution, location, and extent of land uses proposed within the area covered by the specific plan, including open space areas); (2) infrastructure (the proposed distribution, location, extent, and intensity of major components of public and private drainage, energy, sewage, solid waste disposal, circulation/transportation, water, and other essential facilities proposed to be located within the specific plan area and needed to support the proposed land uses); (3) land use and development standards (standards, criteria and guidelines by which development will proceed and standards for the conservation, development,

⁵/ As mandated under Section 65451 of the CGC, the specific plan contain the following components: (1) a text and a diagram(s) specifying all of the following in detail: (a) the distribution, location, and extent of the uses of land within the area covered by the plan; (b) the proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the plan area and needed to support the identified land uses; (c) standards and criteria by which development will proceed and standards for the conservation, development, and utilization of natural resources, where applicable; and (d) a program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry out items (a), (b), and (c); and (2) a statement of the relationship of the specific plan to the general plan. A specific plan may be as general as setting forth broad policy concepts or as detailed as providing direction to every facet of development. (Source: State of California, Governor’s Office of Planning and Research, The Planner’s Guide to Specific Plans, April 1998 Edition, p. 5).

“Site D” Specific Plan

City of Diamond Bar, California

and utilization of natural resources, where applicable); (4) implementation measures (a program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry out the proposed land uses, infrastructure and development and conservation standards and criteria); (5) relationship to General Plan (a discussion of the relationship of the specific plan to the General Plan); and (6) additional information (the specific plan shall contain additional information determined to be necessary by the Department Director based on the characteristics of the area to be covered by the plan, applicable policies of the General Plan, or any other issues determined to be significant).

Based on the site’s existing General Plan and zoning designations, the proposed project includes 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 “Community Commercial (C-2)” to “Specific Plan (SP).” Also proposed is the approval of a tentative map or vesting tentative map⁶ establishing separate residential, commercial, and open space parcels and creating an internal circulation system and establishing easements and other on-site rights-of-way for utilities and other purposes.

The project site is owned, in parts, by the Walnut Valley Unified School District (28.01 acres), the City of Diamond Bar (0.93 acres), and the Los Angeles County Flood Control District (0.75 acres). For the purpose of this analysis, although the term has historically been utilized only with regards to the District’s real property holdings, the holdings of all three of those agencies are collectively referred to as “Site D” herein. It is not, however, envisioned that any of those governmental agencies will either, individually or collectively, elect to pursue the development of the project site or any portion thereof in accordance with the provisions of the specific plan⁷ or own or manage any of the on-site uses authorized therein. Similarly, the Lead Agency is unaware of any other independent plans that may have been formulated by the District, by the County, or other party with regards to any planned or proposed improvements to their separate on-site ownership interests.

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. In addition, the District and the City will cooperate in the sale of the District’s holdings (District Property) and the City’s holdings (City Property) to one or more developers, master builders, end users, or other parties.

Although those parties remain free to seek alternative entitlements and/or pursue an amendment to the specific plan, because they have chosen to purchase a property with existing entitlements, it can be reasonably assumed that the acquiring party or parties will then proceed with the development of the project site in the manner described in and authorized under the specific plan. Based on final development plans, that party or those parties would be expected to seek to obtain such additional discretionary permits and approvals as may be required to effectuate the specific plan, including, but not limited to, the execution of a new or the transference of the existing development agreement (if executed between the City and the

^{6/} As indicated in Section 15268(b)(3) of the State CEQA Guidelines, the approval of the final subdivision constitutes a ministerial action that is exempt from CEQA requirements.

^{7/} As stipulated in the MOU between the City and the District, upon the approval of the specific plan for the development of “Site D” (if such approval were to occur), the “District agrees to use its best efforts to sell the School Property as entitled by the City for the fair market value, in accordance with the provisions of California Education Code commencing with Section 17455. City agrees to use its best efforts to sell the City Property for the fair market value. The parties agree to cooperatively work with each other to coordinate the sale of Site D.”

District prior to such conveyance), the further subdivision of the project site,⁸ the receipt of permits from other Responsible Agencies, the processing of site plan reviews for residential and commercial structures, the issuance of grading, building, and tree permits from the City, and such other requisite permits and approvals as may be required from the City, the District, the County, and from such other responsible agencies as may be required for the site’s conveyance and for the project’s development, use, habitation, and occupation.

From a project perspective, for the purpose of CEQA compliance, it is assumed that the project site would be developed to accommodate those permitted and conditionally permitted land uses authorized under the specific plan and developed to the maximum intensity allowable thereunder. Through the site’s development, the property would be converted from a generally vacant property to an urban use, thus altering the physical and visual character of the site. Improvements would occur both on the project site and in other off-site areas as may be associated with those infrastructure improvements identified herein or otherwise required for the proposed land uses, including improvements to the adjoining street system as may be required to accommodate project-related and cumulative development.

Use and occupancy permits would be issued by the City for those residential and commercial uses developed on the project site. Those uses would then be operated in accordance with their respective use authorizations and applicable public policies.

2.3.1 General Plan Amendment and Zone Change

As illustrated on the General Plan Land Use Map, the District Property is designated “Public Facilities (PF)” and the City Property is designed “General Commercial (C) (max. 1.0 FAR).” The western portion of the project site is zoned “Community Commercial (C-2) and the eastern portion of the project site is zoned “Low Density Residential (R-1-7,500)” and “Low Medium Density Residential (R-1-10,000) on the City’s Official Zoning Map.

The “Community Commercial” (C-2) zoning district is applied to areas appropriate for a wide range of retail shopping and service uses, primarily intended to serve the needs of City residents. The allowable floor-area-ratio for non-residential uses shall be from 0.25-1.00. The “Low Medium Residential (R-1-7,500)” zoning district is intended primarily for parcels developed with existing detached single-family dwellings. The maximum allowed density for new residential subdivisions is 3 units/gross acre and the minimum lot size 7,500 square feet. The “Low Density Residential (R-1-10,000)” zoning district is intended primarily for existing subdivided areas developed with detached single-family dwellings. The maximum allowed density for new residential subdivisions is 5 units/gross acre and the minimum lot size 10,000 square feet.

Proposed is the adoption of a General Plan amendment (GPA 2007-03) from “Public Facility (PF)” and “General Commercial (C)” to “Specific Plan.” Also proposed is a corresponding zone change (ZC) from “Low Medium Residential (R-1-7,500),” “Low Density Residential (R-1-10,000),” and “Community Commercial (C-2)” to “Specific Plan (SP).” The GPA and ZC would encompass and, if adopted, be applicable to the entire approximately 29.69-acre site.

^{8/} As specified in Section 21.24.020 (Condominiums) in Title 21 (Subdivisions) of the Municipal Code, when a residential structure is proposed at the time of construction as a condominium or other common interest development, a tentative map for the project shall be filed in the same form, have the same contents and accompanying data and reports and shall be processed, approved or denied in the same manner in compliance with Chapter 21.20 (Tentative Map Filing and Processing).

2.3.2 “Site D” Specific Plan

Planning documents go through numerous iterations prior to any actions by the decision-making body. The information and analysis presented herein is based on the project as described in the “Draft Site D Specific Plan No. 2007-01, Specific Plan of Land Use and Zoning, City of Diamond Bar”⁹ (SDSP), inclusive of any modifications thereto. The following general project overview is extracted from that document.

Through the adoption of a site-specific and use-specific planning document, the SDSP seeks to promote the creation of high-quality, mixed-use development through establishment of development standards and design guidelines.

Under the provisions of the SDSP, a maximum of 202 dwelling units and 153,985 square feet of commercial use could be developed on the project site. A conceptual site plan depicting the relationship between those uses and generally depicting the points of ingress and egress and the internal circulation system is presented in Figure 2-4 (“Site D” Specific Plan - Conceptual Land-Use Plan).

Section 22.60 (Specific Plans) in Title 22 (Development Code) of the Municipal Code authorizes the City to approve and contains general information concerning City requirements for specific plans. Where the specific plan does not explicitly depict project-specific residential and/or commercial development standards, the provisions of Section 22.08.040 (Residential Zoning District General Development Standards) in Chapter 22.08 (Residential Zoning Districts) and Section 22.10.040 (Commercial/Industrial District General Development Standards) in Chapter 22.10 (Commercial/Industrial Zoning Districts) of the Municipal Code would continue to serve as the applicable development criteria, respectively.

Commercial Component

The intended commercial uses will include service commercial and neighborhood commercial. At such time as the project is available for lease the exact tenant mix will be better known. The intention is to have a small grocery store as the major anchor with service commercial and potentially a drug store to service the local area for typical commercial needs. The intent is to attract free-standing food service commercial tenants to be located at the project entry corners in high profile locations. There will be two pads appropriate for this type of commercial opportunity. A portion of the commercial site, along the site’s northwestern edge, will have use restrictions imposed because it overlays a large drainage facility.

Under the proposed project, 153,985 gross leaseable square feet of commercial use would be developed in the western portion of the project site.

Residential Component

Under the proposed project, 202 dwelling units would be developed in the eastern portion of the project site. The intended residential uses will be “for sale” products only. The intent is to approve the maximum number of units allowable within a certain envelope of height and surface parking conditions. The ultimate residential use will be determined at such time as the project

⁹/ Walnut Valley Unified School District and City of Diamond Bar (TRG Land, Inc.), Draft Site D Specific Plan No. 2007-01, Specific Plan of Land Use and Zoning, City of Diamond Bar, May 27, 2008.

goes to market. The intent is to entitle the largest number of units without triggering unmitigated restraints associated with CEQA analysis. However, the actual total number of units is likely at or below this maximum and minimum allowable number of units.

The specific plan does not preclude the development of any of a variety of housing product types, such as single-family attached, single-family detached, and multi-family attached units, condominiums, townhomes, and apartments. Similarly, the specific plan neither precludes the development of age-restricted (senior) housing nor prohibits the incorporation of affordable housing¹⁰ into the proposed residential development. The affordable housing incentive and density bonus provisions provided in Chapter 22.18 (Affordable Housing Incentive/Density Bonus Provisions) of the Municipal Code continue to apply to the proposed project.

Circulation System

Primary access to both the project's residential and commercial components will be obtained from Diamond Bar Boulevard, via a new signalized intersection located at Cherrydale Drive. As illustrated in Figure 2-5 (“Site D” Specific Plan – Proposed Street Sections), the primary access will consist of a 60-foot wide right-of-way, consisting of two 18-foot wide travel lanes. A 7-foot wide curb-adjacent parkway and a 5-foot wide sidewalk will align both sides of the street. Once on the project site, motorists seeking access to or departing the commercial area will be linked to this primary access via a T-intersection.

Secondary access to the commercial site will 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 will be provided from Posado Drive. The emergency access road will consist of a 28-foot wide easement which will include two 13.5-foot wide travel lanes.

Water and Sewer Systems

Sewer flows will discharge to two existing 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).

^{10/} Sections 65915 through 65918 of the CGC requires local governments to grant a density bonus of at least 25 percent or provide other incentives of equal value to a developer in exchange for an agreement that the extra units in excess of existing zoning be affordable. As authorized therein, when a developer of housing agrees or proposes to construct at least 20 percent of the total units for “lower income” households (as defined in Section 50079.5 of the Health and Safety Code [H&SC]), 10 percent of the total units for “very low income” households (as defined in Section 50105 of the H&SC), or 50 percent of the total dwelling units for “qualifying residents” (as defined in Section 51.3 of the Civil Code), a city and/or county shall either grant a density bonus and at least one additional concession or incentive unless the city and/or county makes a written finding that the additional concession or incentive is not required in order to provide for affordable housing costs (as defined in Section 50052.5 of the H&SC) or for rents for the targeted units to be set as specified or provide other incentives of equivalent value based upon the land cost per unit. In exchange, the developer shall agree to and the city and/or county shall ensure continued affordability of all lower income density bonus units for 30 years or a longer period if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Those units targeted for lower income households shall be affordable at a rent that does not exceed 30 percent of 60 percent of area median income. Those units targeted for very low-income households shall be affordable at a rent that does not exceed 30 percent of 50 percent of the area's median income. If a city and/or county does not grant at least one additional concession or incentive, the developer shall agree to and the city and/or county shall ensure continued affordability for 10 years of all lower income housing units receiving a density bonus.

Since these provisions are applicable to all properties within the City, should subsequent developers of master builders elect to avail themselves of these provisions, the actual number of dwelling units that could be constructed on the project site could exceed the number of units indicated in the specific plan.

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City of Diamond Bar, California

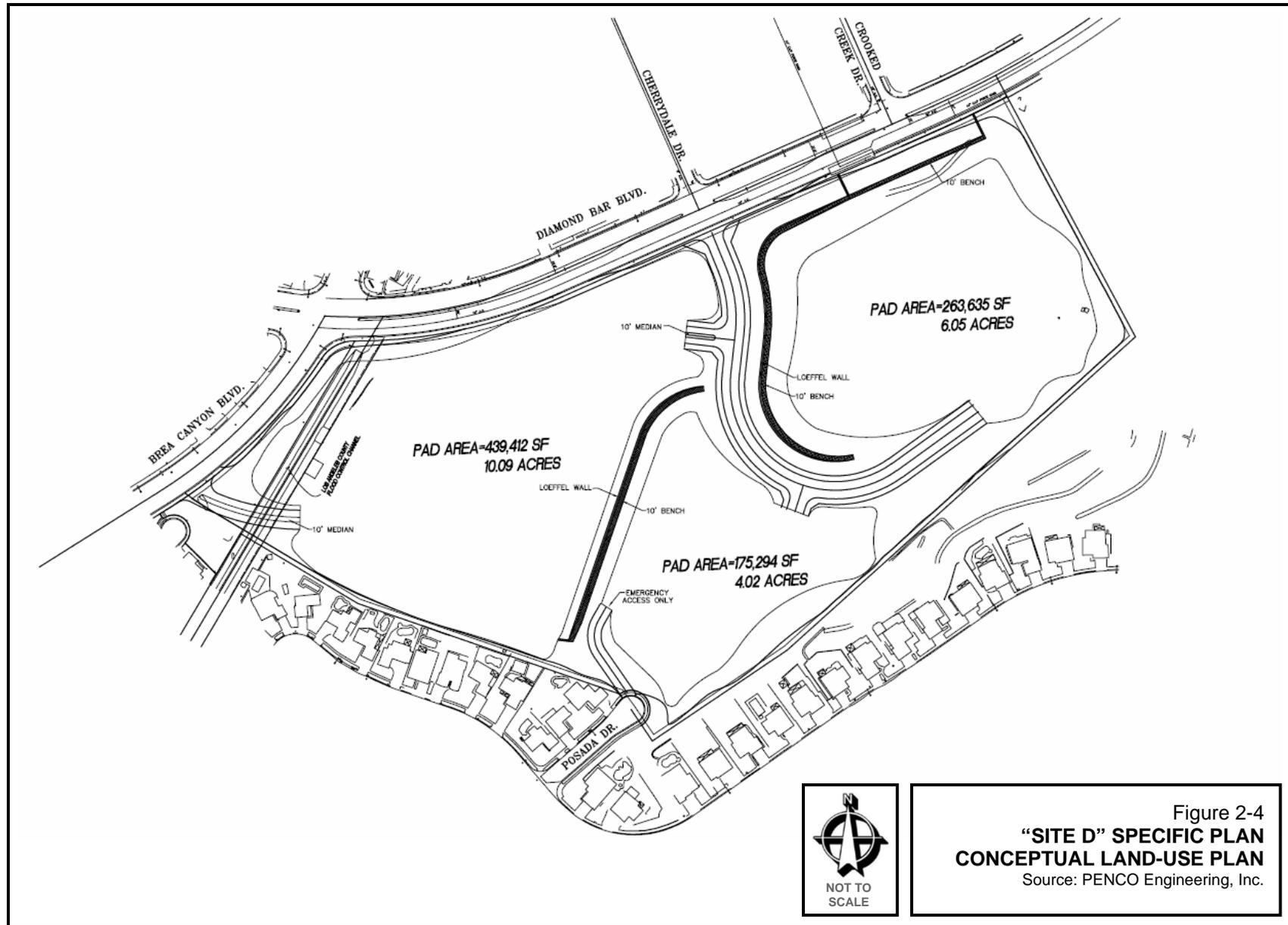


Figure 2-4
“SITE D” SPECIFIC PLAN
CONCEPTUAL LAND-USE PLAN
Source: PENCO Engineering, Inc.

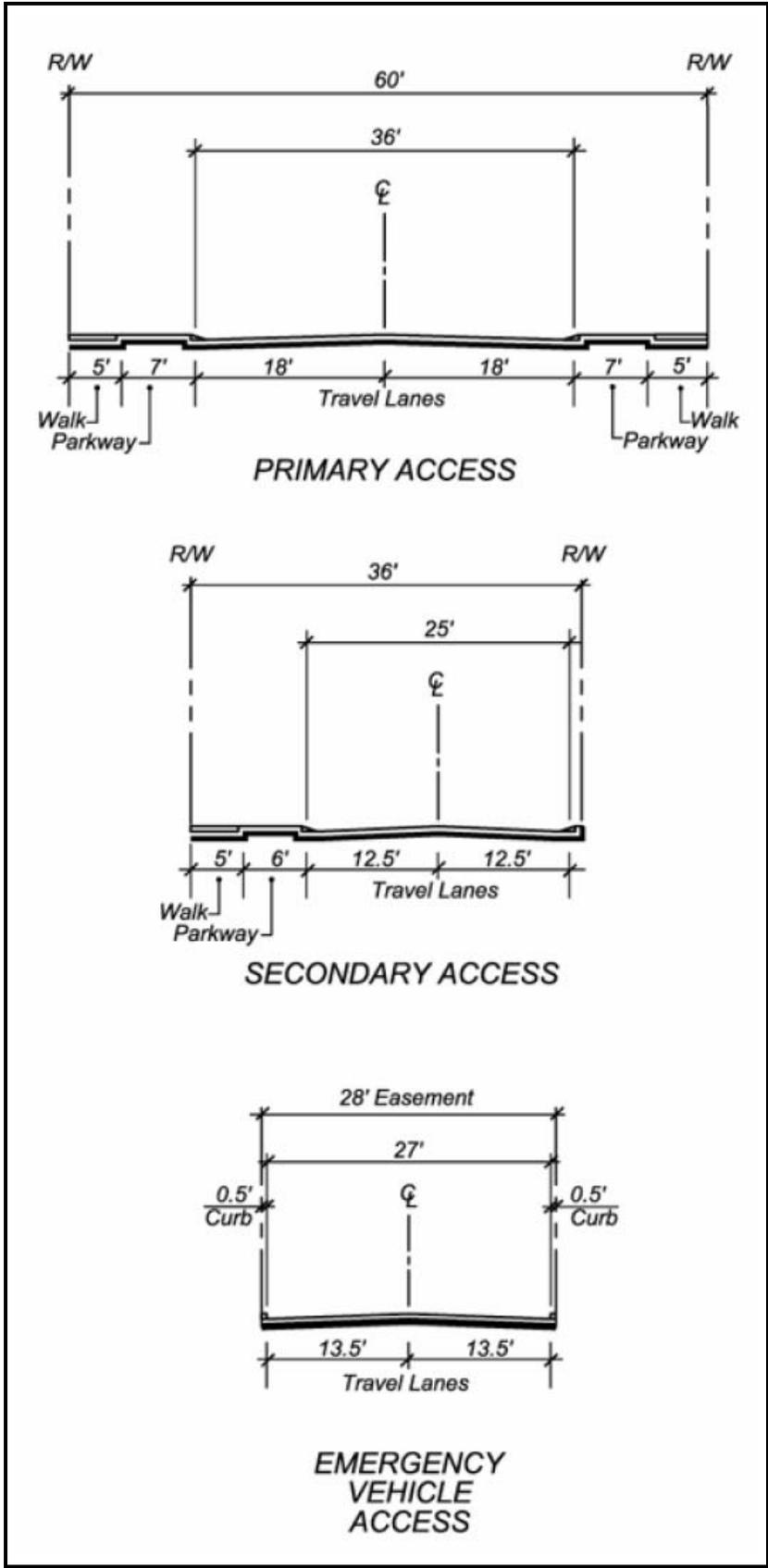


Figure 2-5
**“SITE D” SPECIFIC PLAN
 PROPOSED STREET
 SECTIONS**
 Source: TRG Land, Inc.

“Site D” Specific Plan
 City of Diamond Bar, California

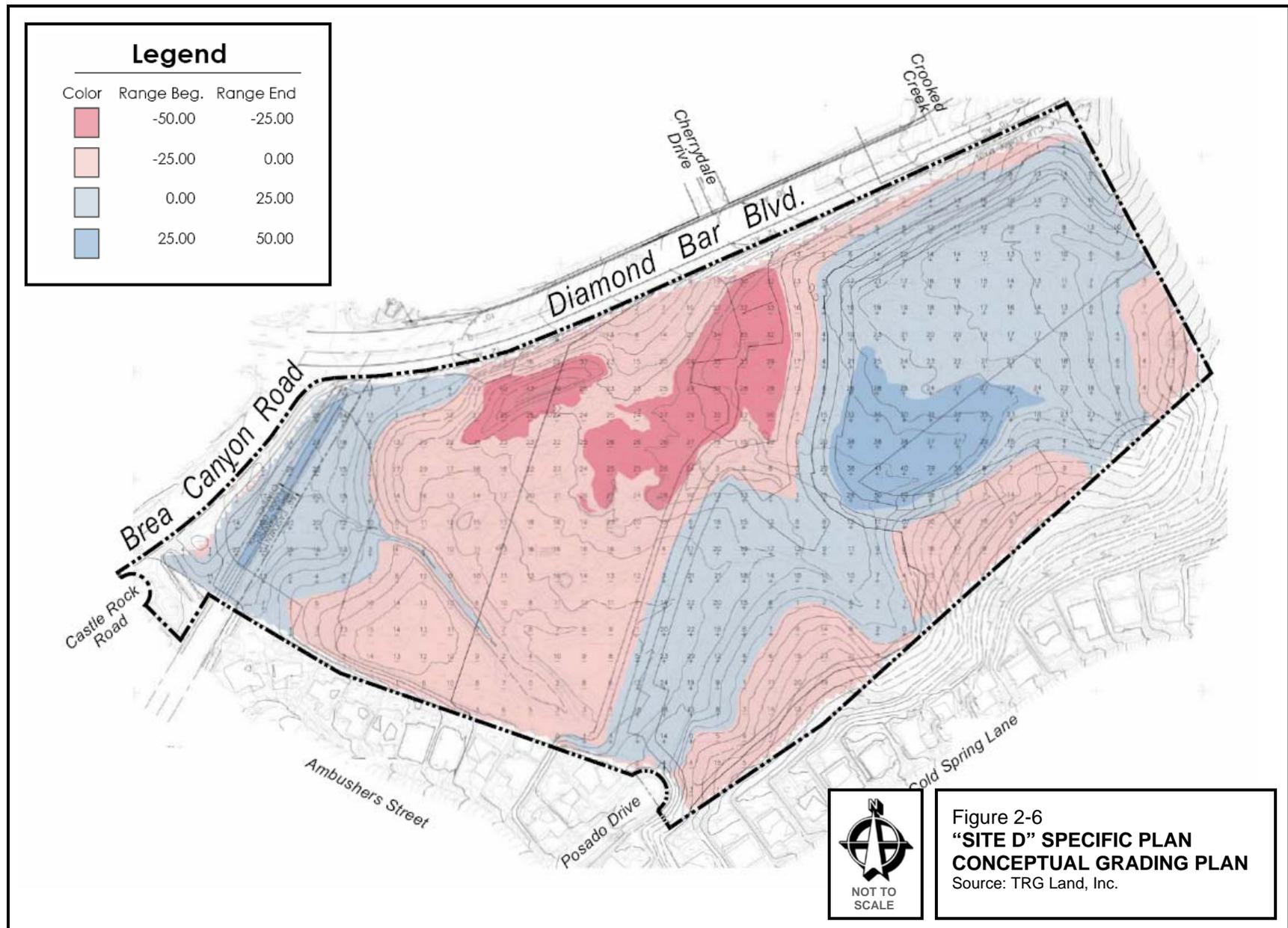


Figure 2-6
“SITE D” SPECIFIC PLAN
CONCEPTUAL GRADING PLAN
 Source: TRG Land, Inc.

“Site D” Specific Plan
City of Diamond Bar, California

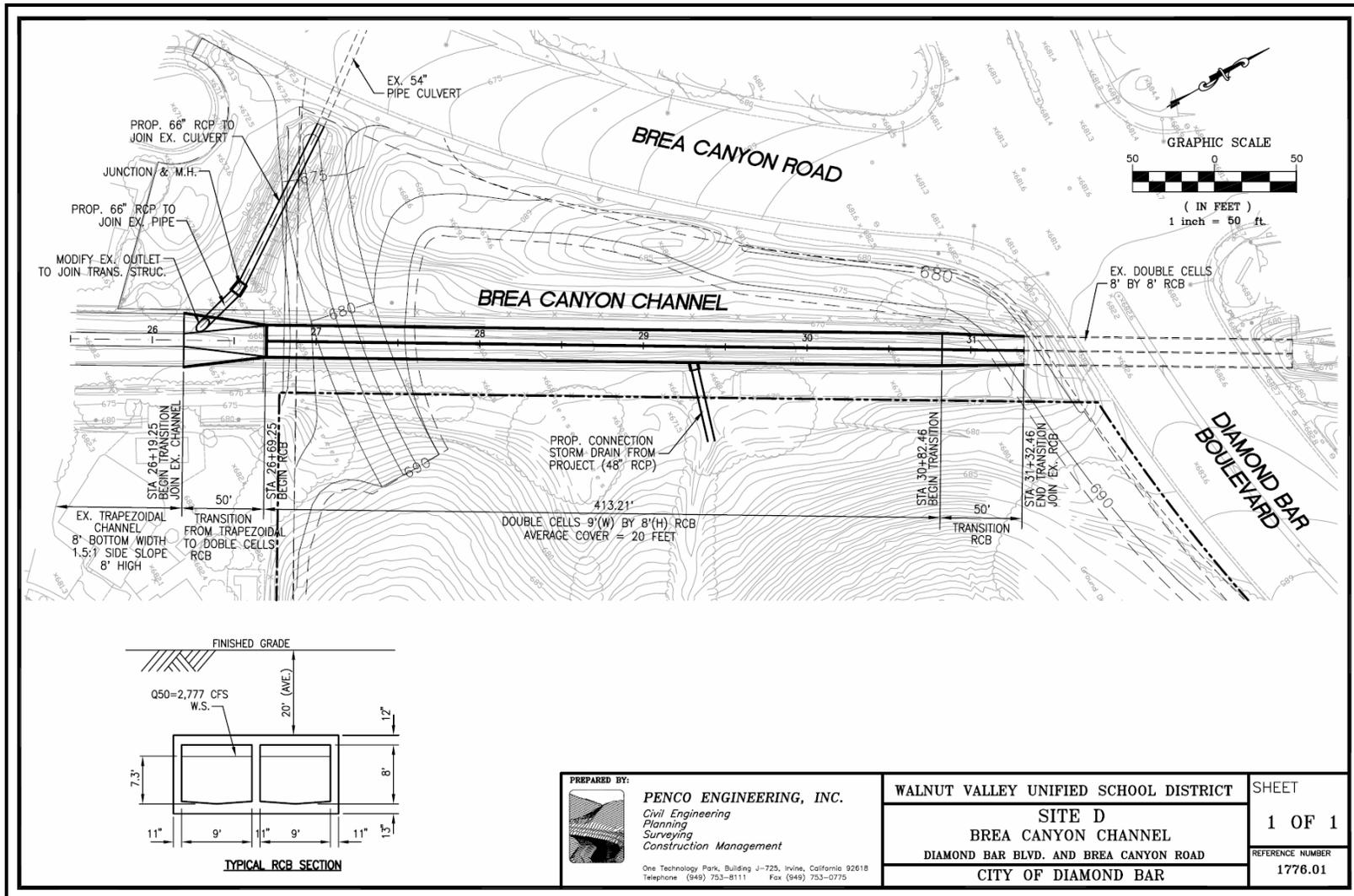


Figure 2-7
“SITE D” SPECIFIC PLAN - CONCEPTUAL DRAINAGE PLAN
 Source: PENCO Engineering, Inc.

“Site D” Specific Plan

City of Diamond Bar, California

The pump station is under the jurisdiction of the County Sanitation Districts of Los Angeles County (CSDLAC or District). The City also operates an existing 14-inch diameter cast iron pipe (CIP) force main that discharges flows from the same pump station. As proposed, the project would connect to the existing 8-inch diameter VCP line. Based on the topography, an additional sewer lift station may be required.

The Walnut Valley Water District (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 AC line on the north side of the road (Pressure Zone 875). The proposed project could connect to either line.

Conceptual Grading Plan

As illustrated in [Figure 2-6](#) (“Site D” Specific Plan – Conceptual Grading Plans), development of the proposed project would involve approximately 390,000 cubic yards of earth movement to create the project’s major building pads and circulation system. The “range” depicted represents the approximate depth of cut-and-fill across the project site. The estimated depth of cut-and-fill is conceptual in nature and is not intended to unreasonably limit the landform alterations associated with the proposed project.

As proposed, the project site will be mass graded as a single phase. Landform grading techniques will be used when possible to replicate the irregular shapes of the natural slopes. Landform-graded slopes are characterized by a continuous series of concave and convex forms, interspersed with mounds that blend into the profiles, non-linear in plan view, varying slope gradients, and transition zones between manufactured and natural slopes.

Conceptual Drainage Plan

In accordance with the County’s requirements for a standard urban storm water mitigation plan (SUSMP), the storm drain pipe from the developed area will require a water quality device to clean the storm runoff before discharge to the Brea Canyon Storm Drain Channel.

As illustrated in [Figure 2-7](#) (“Site D” Specific Plan - Conceptual Drainage Plan), the existing Brea Canyon Storm Drain Channel will be covered and become an underground drainage facility as it traverses the project site. To convey the 50-year discharge, the proposed channel section will be 9-feet wide by 8-feet wide, double cell, reinforced concrete box (RCB) with an average cover of 20 feet. Fifty 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 constructed to join the existing trapezoidal channel.

2.3.3 Tentative Parcel Map

Proposed is the subdivision of the project site in order to create separate development areas within the subject property that can be conveyed to subsequent holders of real property interests, as well as to establish an internal circulation system and common open space areas. Tentative subdivision maps are governed by the provisions of the Subdivision Map Act,¹¹ as

^{11/} The Subdivision Map Act (SMA) is the primary regulatory control governing the subdivision of real property in California. The act vests the regulation and control of the design and improvement of subdivisions in the legislative bodies of local agencies, which must promulgate ordinances on the subject. The act generally requires all subdividers of property to design their subdivisions in conformity with applicable general and specific plans and to

codified in Section 66410-66499.58 of the CGC, and Chapters 21.20 (Tentative Map Filing and Processing) and 21.22 (Parcel Maps and Final Maps) in Title 21 (Subdivisions) of the Municipal Code. The City’s subdivision design standards, including the design and layout of subdivisions and the design, construction or installation of public improvements within subdivisions, are outlined in Chapter 21.30 (Subdivision Design and Improvement Requirements) therein.¹²

2.3.4 Lead Agency-Imposed Conditions of Approval

Should the Lead Agency elect to approve or conditionally approve the proposed project, the City will impose a number of standard and project-specific conditions relating to the approval of the proposed specific plan, tentative tract map, and other associated entitlements. In addition, other responsible agencies will impose additional standard and other project-specific conditions on those aspects of the proposed project under their respective jurisdictions. Since those conditions serve to further define the proposed project each such condition becomes an element of the proposed project and does not constitute mitigation measures under CEQA.

2.4 Tentative Project Schedule

The tentative project schedule presented in Table 2-1 (Tentative Project Schedule) is subject to possible change or refinement based on a number of factors. Neither the City nor the District currently plan to serve in the role of the developer of the project site. It is, however, the District’s intent to sell or otherwise convey the property to one or more buyers following the City’s adoption of the “Site D’ Specific Plan.” Since that purchaser or those purchasers have not yet been identified, it is not possible to delineate a definitive project schedule.¹³

Table 2-1
TENTATIVE PROJECT SCHEDULE

Activity	Commencement Date	Completion Date
Specific Plan and Tentative Map Approval	09 / 2009	10 / 2009
Final Map Approval	01 / 2010	04 / 2010
Site Grading	10 / 2010	04 / 2011
Construction	05 / 2011	01 / 2012
Build-Out and Occupancy	02 / 2012	06 / 2012

Source: TRG Land, Inc.

comply with all of the conditions of applicable local ordinances. By generally requiring local review and approval of all proposed subdivisions, the act aims to control the design of subdivisions for the benefit of adjacent landowners, prospective purchasers, and the public in general. More specifically, the act seeks to encourage and facilitate orderly community development, coordinate planning with the community pattern established by local authorities, and assure proper improvements are made, so that the area does not become an undue burden on the taxpayers (Gardner v. County of Sonoma).

^{12/} As specified in Section 21.03.020 in Chapter 21.03 (Subdivision Map Approval Requirements) in Title 21 (Subdivisions) of the Municipal Code, Section 66426 of the Subdivision Map Act “requires that any subdivision or resubdivision of land shall require the filing and approval of a tentative map, except as otherwise provided by Section 21.03.030 (Exemptions from Subdivision Approval Requirements).” As further indicated in Section 21.20.080(1) therein, the Planning Commission may recommend approval, and the City Council may approve a tentative map only when it first finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and any applicable specific plan and that none of the findings for disapproval in Section 21.20.080(3) can be made.

^{13/} Other factors potentially influence the project schedule include, but are not limited to, timing of receipt of all requisite approvals, market demand, financing, and delays caused by force majeure reasonably beyond the Applicant’s control (e.g., fire, floods, seismic events, labor actions, or judicial or legislative action).

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Should the City ultimately approve or conditionally approve the proposed project, the District or subsequent holders of real property interests would be required to obtain discretionary permits from other agencies and may be required to complete certain activities and/or fulfill specific mitigation measures and conditions of approval prior to the commencement of any site work. Since the actions of other agencies cannot be entirely known pending the completion of the environmental review processes, it is not possible to determine how those requirements could affect the overall project schedule.

2.5 Other Discretionary Permits and Approvals

Unless otherwise exempt, it is the City’s intent that this EIR serve as the environmental basis for any and all discretionary actions that may be required for the proposed project, inclusive of all uses and infrastructure improvements as may be required for the project’s approval, construction, maintenance, use, operation, and habitation. The discretionary permits and approvals that have presently been identified are discussed in the following subsections. As the project moves forward through the permit process, other discretionary actions may, however, be identified. The City’s failure to list those actions herein does not preclude those agencies responsible for those actions, including the City, from utilizing this EIR, once certified, as the environmental basis for each agency’s independent deliberations.

2.5.1 City of Diamond Bar

A number of discretionary actions will be required by the City in order to approve the proposed specific plan and to authorize the construction, occupancy, use, and habitation of the project site. Those permits and approvals include, but may not be limited to:

- **General Plan amendment.** As indicated in Sections 22.70.030 and 22.70.040 in Chapter 22.10 (General Plan, Development Code, and Zoning Map Amendment) in Title 22 (Development Code) of the Municipal Code, the Planning Commission shall make a written recommendation to the City Council whether to approve, approve in modified form, or disapprove the proposed General Plan amendment, based on the provisions of Section 22.70.050 (Adoption of Amendment). Upon receipt of the Planning Commission's recommendation, the City Council shall approve, approve in modified form, or disapprove the proposed General Plan amendment, based on the provisions of Section 22.70.050. Proposed is the adoption of a General Plan amendment (GPA 2007-03) from “Public Facility (PF)” and “General Commercial (C)” to “Specific Plan.”
- **Specific plan approval.** Pursuant to Section 22.60.060 in Chapter 22.60 (Specific Plans) in Title 22 (Development Code) of the Municipal Code, the adoption of a proposed specific plan is entirely at the discretion of the City Council. The City Council shall adopt a specific plan only if it finds that the proposed plan is consistent with the general plan and other adopted goals and policies of the city, and that the proposed specific plan is in compliance with the provisions of CEQA. In accordance therewith, the Applicant seeks the City’s approval of the “Site D’ Specific Plan.”
- **Zone change.** As specified in Section 22.70.050 in Chapter 22.10 (General Plan, Development Code, and Zoning Map Amendment) in Title 22 (Development Code) of the Municipal Code, the City Council shall adopt an amendment to the General Plan, the Development Code, or the zoning map only if it finds that the proposed amendment is internally consistent with the General Plan and other adopted goals and policies of the City. Concurrent with the adoption of the “Site D’ Specific Plan,” proposed is a 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).”

- **Development review.** Once final development plans have been formulated, the Lead Agency anticipates that a later subdivision map(s) will be processed to allow for the creation of residential condominiums and to allow for the conveyance of separate ownership interests to individual commercial uses. Similarly, once final development plans are presented for the City’s review, those plans will be subject to the City’s development review process (Chapter 22.48, Development Code).
- **Conditional use permit.** Section 22.22.020(c) states that hillside developments are subject to the approval of a conditional use permit (CUP) in compliance with Chapter 22.58 (Conditional Use Permits) in Title 22 (Development Code) of the Municipal Code. As authorized under Section 22.22.020(c), a hillside development CUP may be issued to allow development of the project site.
- **Protected tree permit.** As specified in Section 22.38.050 (Tree Removal Permit or Tree Pruning Permit Required) in Chapter 22.38 (Tree Preservation and Protection) in Title 22 (Development Code) of the Municipal Code: “No person shall remove or relocate a protected tree or develop within the protection zone of a protected tree without first obtaining a tree removal permit from the director. No person shall prune a protected tree without first obtaining a tree pruning permit from the director if branches are to be pruned that are over four inches in diameter at the point of the cut. The maximum amount allowed for the pruning of a protected tree shall be 20 percent, except for oak trees which shall be ten percent.” As defined in Section 22.38.030 (Protected Trees), a protected tree is any of the following: (1) native oak, walnut, sycamore and willow trees with a diameter at breast height (DBH) of eight inches or greater and pepper trees with a DBH of eight inches or greater, where appropriate; (2) trees of significant historical or value as designated by the City Council; (3) any tree required to be preserved or relocated as a condition of approval for a discretionary permit; (4) any tree required to be planted as a condition of approval for a discretionary permit; and (5) a stand of trees, the nature of which makes each tree dependent upon the others for survival.

As authorized under Chapter 22.38 in Title 22 (Development Code) of the Municipal Code, a tree permit may be issued to allow for the removal and pruning of those protected trees that exist on the project site.

- **Development agreement.** As authorized under Section 65865(a) of the CGC: “Any city, county, or city and county, may enter into a development agreement with any person having a legal or equitable interest in real property for the development of the property as provided in this article.” As indicated in Section 65865.2 therein: “A development agreement shall specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The development agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement. The agreement may provide that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time. The agreement may also include terms and conditions relating to applicant

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financing of necessary public facilities and subsequent reimbursement over time.” As authorized under Chapter 22.62 in Title 22 (Development Code) of the Municipal Code, the City and the District may elect to enter into a development agreement. That agreement would be conveyable to one or more subsequent developers.

Unless otherwise exempt, the conveyance of real property by the District, the City, and the County (including requisite findings), pursuant to Section 37350-37351¹⁴ and/or Sections 37420-37430¹⁵ of the CGC, constitutes a discretionary action subject to CEQA. In addition, there may exist other discretionary actions associated with the approval, construction, and operation of the proposed project not explicitly identified herein. Failure to identify those actions herein does not preclude the City or other Responsible Agencies from using the Lead Agency’s CEQA documentation as the environmental bases for those actions.

Under certain circumstances, ministerial actions can themselves become subject to CEQA compliance. In order to ensure full public disclosure, other discretionary and/or ministerial actions associated with the proposed project include, but may not be limited to, plot plan review (Chapter 22.47, Development Code), zoning clearance (Chapter 22.48, Development Code), issuance of grading, building, and related permits, and issuance of individual electrical, gas, water, and sewer connections. The environmental impacts of all discretionary and/or ministerial actions that may be associated with the proposed project have been considered herein and have been made a part of the project’s environmental record.

2.5.2 Other Responsible Agencies

Discretionary permits and approvals that may be required from other Responsible Agencies and other federal agencies include, but may not be limited to:

- Conveyance of surplus real property by the WVUSD to other parties in accordance with the provisions of Section 17455 *et seq.* of the CEC.
- Water quality certification or waiver pursuant to Section 401 of the Federal Clean Water Act (CWA) from the California Regional Water Quality Control Board, Los Angeles Region (LARWQCB) and/or State Water Resources Control Board (SWRCB).
- Nationwide or individual permit pursuant to Section 404 of CWA from the United States Army Corps of Engineers (ACOE).
- Streambed alteration agreement pursuant to Section 1600-1616 of the California Fish and Game Code from the California Department of Fish and Game, Region 5 (CDFG).

As required in Section 20.32.270 (Charges for Maintenance District Annexation, Formation, Exclusions and Dissolutions) in Title 20 (Utilities) of the “Los Angeles County Code” (County Code), any person who desires to place a newly constructed public sewer system in operation and the benefited property is not within a maintenance district shall pay a charge as determined by the County Engineer to cover the cost of processing the annexation or formation, including any State fees. Since the project site is not presently part of a designated service area, the project will necessitate annexation into the County’s Consolidated Sewer Maintenance District.

^{14/} As indicated in Section 37350 of the CGC: “A city may purchase, lease, receive, hold, and enjoy real and personal property, and control and dispose of it for the common benefit.”

^{15/} As indicated in Section 37421 of the CGC: “When the legislative body of a city finds the public interest and convenience require the sale of any public building and site dedicated to a public use, it may adopt a resolution of its finding and intention to sell the property.”

In addition, the project involves both the acceptance of the design and construction of the on-site storm drain system by the LACDPW and, through the conveyance of a leasehold interest, the LACDPW’s authorization allowing the overbuilding (covering), air rights transference, and use of lands atop the Brea Canyon Storm Drain Channel for project-related purposes.

3.0 RELATED PROJECTS AND CUMULATIVE IMPACTS

CEQA affords public agencies the opportunity to define probable future projects using one of two separate methodologies. Those projects can be defined based on either a: (1) list of past, present, and reasonably anticipated probable future projects producing related or cumulative impacts; or (2) summary of projections contained in an adopted general plan or related planning document or in a prior environmental document which has been adopted or certified describing or evaluating regional or areawide conditions contributing to the cumulative impact. Both of these approaches are separately discussed below.

3.1 Summary of Projections

In accordance with adopted forecasts, growth and development can be expected to continue in southern California. As indicated in the General Plan FEIR, based on the City’s adopted land use policies, between 1990 and the unspecified build-out date of the community,¹ substantial residential and population growth is anticipated within the City. As indicated in Table 3-1 (City of Diamond Bar General Plan - Existing and Proposed Land Use Comparison), a substantial increase in both the number of single-family units and the resident population of the City is projected. Conversely, at the time of the document’s preparation, only minimal new commercial development but substantial new office use was projected.

Table 3-1
**CITY OF DIAMOND BAR GENERAL PLAN
 EXISTING AND PROPOSED LAND USE COMPARISON**

Land Use	Existing (1990)	Proposed (General Plan Build-Out)	Change
Residential			
Single-Family (Dwelling Units)	12,589	19,157	6,568
Multi-Family (Dwelling Units)	5,075	4,742	(333)
Total Dwelling Units	17,664	23,899	6,235
Population	53,672	72,414	18,742
Non-Residential			
Commercial (Square Footage)	1,901,000	1,919,010	18,010
Office (Square Footage)	2,293,000	3,190,387	897,387
Business Park (Square Footage)	1,165,000	1,064,955	(100,045)
Vacant/Open Space (Acres)	2,736.7	0	(2,736.7)
Employment (Jobs)	9,275	10,835	1,560

Source: City of Diamond Bar, Final Environmental Impact Report for the City of Diamond Bar General Plan, SCH No. 91041083, July 14, 1992, Table III-6

^{1/} As indicated in the “City of Diamond Bar General Plan Status Report – Period Beginning January 1, 2003 and Ending December 31, 2006,” as presented to the City Council on August 21, 2007: “On July 25, 1995, the City Council adopted the City of Diamond Bar’s General Plan. A General Plan is a State mandated document that a city uses to plan the framework for its future physical, social and economic development. A General Plan is considered a long-term document that steers development within a community for 15 to 20 years. By projecting conditions and needs into the future, the General Plan establishes a basis for evaluating current policy and providing insight on future policy.” Based on that excerpt, it can be concluded that the City’s existing General Plan is based on a build-out year of between 2015 and 2020. As such, any growth projections presented herein would be applicable to that time period.

As indicated in the 1995 Addendum, the “Final [General Plan] EIR project description anticipates a residential build-out of 23,899 dwelling units and a commercial/office/business park build-out of 6.17 million square feet.”² In contrast, the 1995 “Housing Element contains an inventory of land suitable for residential development, including both vacant and underutilized sites by residential density category. The document concluded that the “land within the planning area available for general residential development could yield an additional 3,005 units, for a residential build-out of 20,818 dwelling units, a reduction of 3,081 units from the build-out forecast in the Final [General Plan] EIR.”³

The Southern California Association of Governments (SCAG) serves as the forum for cooperative decision making by local government elected officials. SCAG’s responsibilities include the development of a regional transportation plan (RTP), regional transportation improvement program (RTIP), and transportation-related portions of local air quality management plans (AQMP). By assessing regional growth and economic trends, the RTP provides strategic direction for transportation capital investments. SCAG’s functions also include, but are not limited to, intergovernmental review of regionally significant development projects and periodic preparation of a regional housing needs assessment (RHNA).

As the Metropolitan Planning Organization for a six county region, SCAG is mandated by federal law to adopt a RTP every four years to address the region’s transportation needs. In May 2008, SCAG adopted the “2008 Regional Transportation Plan: Making the Connection” (2008 RTP).⁴ SCAG’s projected population, household, and employment growth forecasts for the City, as reflected in the 2008 RTP, are presented in Table 3-2 (Population, Household, and Employment Forecast for the City of Diamond Bar – 2008 Regional Transportation Plan).

Table 3-2
**POPULATION, HOUSEHOLD, AND EMPLOYMENT FORECAST
FOR THE CITY OF DIAMOND BAR
2008 REGIONAL TRANSPORTATION PLAN**

Forecast Year	Population (persons)	Households	Population Per Household	Employment (jobs)	Jobs/Housing Balance
2005	59,659	17,876	3.34	15,273	0.88
2010	61,041	18,377	3.32	15,809	0.86
2015	62,676	19,082	3.29	16,235	0.85
2020	64,247	19,780	3.25	16,507	0.84
2025	65,771	20,319	3.24	16,827	0.83
2030	67,240	20,839	3.23	17,168	0.82
2035	68,595	21,247	3.23	17,495	0.82
2005-2035 Change	8,936	3,371	(0.11)	2,222	(0.06)

Source: Southern California Association of Governments

^{2/} City of Diamond Bar, Addendum to the Final Environmental Impact Report for the City of Diamond Bar General Plan, SCH No. 91041083, May 9, 1995, p. 11.

^{3/} *Ibid.*, pp. 12-13.

^{4/} The horizon year for the 2008 RTP is 2035.

3.2 Reasonably Anticipated Probable Future Projects

With regards to the assessment of potential cumulative impacts, use of a list of past, present, and reasonably anticipated probable future projects appears to be the most relevant with regards to an assessment of the proposed project’s potential cumulative impacts. Under this methodology, the Lead Agency is required to consider not only approved projects that are currently under construction but also approved projects that have yet to commence construction and unapproved projects currently under environmental review that, based on their location or on other considerations, have the potential to produce significant cumulative impacts.

Information concerning other planned, proposed, or reasonably foreseeable future projects within the general project area was formulated based on a review of the City’s record and information obtained from the Los Angeles County Department of Public Works, Traffic and Lighting Division. As illustrated in Figure 3-1 (Related Projects Location Map) and described in Table 3-3 (Related Projects Summary),⁵ a total of six related projects were identified in the general project area.⁶ Each of these related projects are expected to generate vehicular traffic which could affect the operating conditions of key study area intersections.

3.3 Ambient Growth

For the project’s horizon or build-out year (2010), background traffic growth estimates have been calculated using an ambient growth⁷ factor which is then added to the existing (2007) traffic volumes. As determined in consultation with City staff, background traffic in the study area has been estimated to increase at a rate of approximately 2.0 percent per year in the near term (2007-2010) and 0.7 percent per year in the long term (2010-2030). Future increases in background traffic due to regional development are expected to continue at the same rate. For Year 2010, the existing (Year 2007) traffic volumes were increased by 6.0 percent to reflect areawide regional growth in traffic. For Year 2030, the existing (2007) traffic volumes were increased by 14.0 percent from Year 2010 to Year 2030.

⁵/ Linscott Law & Greenspan, Traffic Impact Analysis Report, WVYSD Site D Mixed-Use Development, Diamond Bar, California, January 17, 2008.

⁶/ Not included is the City of Industry’s proposed “Los Angeles Stadium” project. The traffic impact analysis for the proposed SDSP project was completed and accepted by the City, with modifications, prior to the City’s receipt of the “Notice of Preparation of Draft Supplement to Industry Business Center EIR” (City of Industry, April 2009).

⁷/ For traffic planning purposes, ambient growth comes from a multitude of projects but is not directly assignable to any specific project. The ambient growth factor is intended to include unknown and future related projects located in the study area, as well as account for regular growth in traffic volumes due to development of projects located outside of the study area.

Table 3-3
RELATED PROJECTS SUMMARY

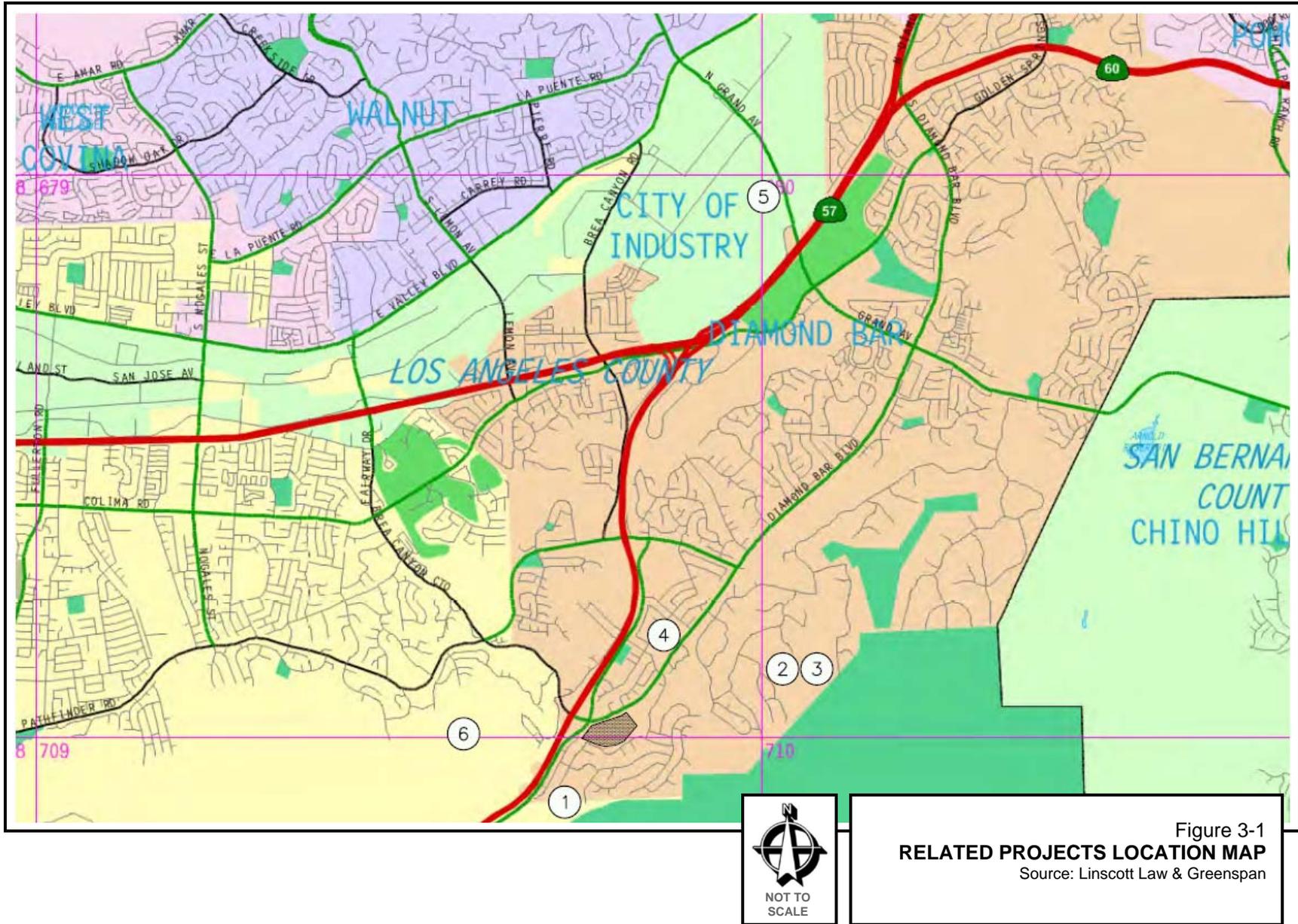
Number	Project Location	Location/Address	Land Use Description
1	Tentative Tract No. 54081	Crooked Creek Drive, Diamond Bar	20 single-family homes
2	The Country Tentative Tract No. 53430	Alamo Heights Drive, Diamond Bar	48 single-family homes
3	The Country Tentative Tract No. 53670	Alamo Heights Drive, Diamond Bar	5 single-family homes
4	County Hills Towne Center Expansion	Diamond Bar Boulevard, west of Sugar Pine Place	70,607 SF expansion to existing retail center
5	Industry Business Park (NFL Stadium)	East and west side of Grand Avenue, north of SR-60/Old Brea Canyon Road, Industry	1,626,000 SF office, 707,000 SF shopping center, 561,000 SF new car sales, 1,252,000 SF business park, 633,000 SF industrial
6	Aera Energy Planned Community	Brea Canyon Road, north of Tonner Canyon Road, Los Angeles County	2,465-DU single-family, 357-DU senior housing, 778-DU multi-family housing, 18-hole golf course, 300,000 SF shopping center, 28-acre sports park

Notes:

DU - dwelling units; SF - square feet or square foot

- Based on recent actions (2009) by the City of Industry, the proposed mix of uses for the Industry “Industry Business Center” (IBC) (Related Project No. 5) has been revised to include a 75,000-seat stadium (for NFL games primarily), 280,000 square feet of stadium-related uses and non-stadium uses totaling 100,000 square feet of medical office, 833,000 square feet of retail, 162,000 square feet of restaurants, a 5,000-seat live theater, a 1,200-seat movie theater, and 1,490,000 square feet of general office. The previously approved (2004) plan of development for that property consisted primarily of light industrial and office/business park uses, with retail/automobile dealership uses, was forecast to generate a greater amount of trips on a daily and AM and PM peak hour basis. When compared against the weekday daily, AM peak hour, and PM peak-hour traffic generation of the now proposed IBC/NFL development, the prior 2004 IBC plan of development is forecast to generate 14,221 more weekday daily trips, 2,961 more AM peak hour trips, and 2,187 more PM peak hour trips. In order to provide a conservative analysis, the prior 2004 IBC plan of development was included in the cumulative analysis.

Source: Linscott Law & Greenspan



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4.0 IMPACT ANALYSIS

Document Format

Presented in the following sections of this EIR is a topic-specific analysis of the potential direct, indirect, and cumulative environmental impacts resulting from the approval of the proposed project. The topical issues addressed herein were identified by the Lead Agency and presented in the Initial Study and NOP ([Appendix A](#)) herein and expanded in response to comments received at the public scoping meeting conducted on February 21, 2008 ([Appendix B](#)), the Lead Agency’s independent environmental evaluation of the proposed project, and comments received from public agencies and other parties during the noticed comment period established by the NOP. This section briefly describes the format of the following topical analyses.

Pursuant to Section 15063 of the State CEQA Guidelines, the Department prepared and disseminated an Initial Study which included a preliminary determination that the project, as then proposed, had the potential to produce significant or potentially significant environmental effects, either directly or indirectly, relative to certain aspects of the following topical issues, including: (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 (police services, fire protection, schools, and parks); (10) transportation and traffic; and (11) utilities and service systems (wastewater). Based on a subsequent analysis, the Lead Agency has included an examination of impacts upon cultural resources herein.

With regard to the analysis of each of those issues, except where otherwise noted, a consistent format has been presented under each of those topical headings presented in this EIR. Under each heading, separate sections are provided describing the existing environmental and regulatory setting, the recommended threshold of significance standards utilized by the Lead Agency to assess the potential significance of each identified project-related and cumulative environmental effect, the impacts that could or that may potentially result from the project’s approval, mitigation measures recommended by the Lead Agency as conditions of project approval in order to eliminate or otherwise reduce the identified significant environmental effect, and the post-mitigated level of significance of those identified significant or potentially significant environmental effect.

Mitigation Measures and Conditions of Approval

As required under Section 21002 of CEQA, “[t]he Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significance environmental effects of such projects, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which would avoid or substantially lessen such significant effects.” As a result, the Lead Agency has a statutory obligation to seek to mitigate the significant environmental effects of its actions. For each significant environmental effect identified in the EIR, the Lead Agency has sought to identify one or more mitigation measures designed to reduce, avoid, rectify, or compensate for those effects. If no feasible mitigation measures exist for the identified significant effect, the City explicitly notes the absence of any such measures.

As indicated under Section 15126.4(a)(3) of the State CEQA Guidelines, “[m]itigation measures are not required for effects which are not found to be significant.” For those identified impacts that do not manifest at a level of significance, where an impact might be minimized through specified agency action, where applicable, the Lead Agency has identified other “conditions of approval” that could be implemented to further reduce a less-than-significant effect. These conditions do not constitute mitigation measures under CEQA and are not subject to the mitigation reporting and monitoring obligations applicable to mitigation measures.

Alternatives Analysis

Because the project site is publicly owned, because the Lead Agency is evaluating a public agency-initiated request to change the existing General Plan designations to allow for the development of other uses, and because no developer and/or master builder has yet to be identified or has come forward with a detailed development plan, the Lead Agency has sought to identify a reasonable range of alternatives designed to reduce the project’s potential impacts and to provide the project’s decision makers with a reasoned choice regarding a range of possible future uses for the subject property.

As more thoroughly described in Section 6.0 (Alternatives Analysis), in addition to the required “no project” alternative, the alternatives analysis present a number of development-based options that are or that may be potentially available to the Lead Agency and to the Applicant.

4.1 LAND USE

4.1.1 Environmental Setting

4.1.1.1 Regulatory Setting

California Government Code

A specific plan is a regulatory tool, authorized under the provisions of Sections 65450-65457 of the California Government Code (CGC), 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. A specific plan may be as general as setting forth broad policy concepts or as detailed as providing direction to every facet of development from the type, location, and intensity of uses to the design and capacity of infrastructure systems. A specific plan document establishes a link between the implementing policies contained in 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. Pursuant to Section 65457 of the CGC, any residential development project, including any subdivision, or any zone 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 further CEQA requirements. If after adoption of the specific plan, an event as specified in Section 21166 of CEQA occurs, the exemption provided does not apply unless and until a supplemental EIR for the specific plan is certified.

Subdivision Map Act

The Subdivision Map Act (SMA), codified in Sections 66410-66499.37 of the CGC, provides the statutory framework under which local governmental entities regulate land use and development within their jurisdictions by controlling the design and improvement of the subdivision of real property. The purposes of the law include uniformity of mapping procedures (for conveyance and title insurance regularity), regulation and control of development (for consumer protection), and dedication of land within a subdivision, such as for streets, sewers, and parks.

As indicated in Section 66474, a legislative body of a city or county shall deny approval of a subdivision map if 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.

Pursuant to Section 66411 of the CGC: “Regulation and control of the design and improvement of subdivisions are vested in the legislative bodies of local agencies. Each local agency shall by ordinance regulate and control the initial design and improvement of common interest developments as defined in Section 1351 of the Civil Code and subdivisions for which this division requires a tentative and final or parcel map.” As indicated in Section 66451 therein: “The procedures set forth in this chapter shall govern the processing, approval, conditional approval or disapproval and filing of tentative, final and parcel maps and the modification thereof. Local ordinances may modify such procedures to the extent authorized by this chapter.”

In accordance with the SMA, the City has adopted a subdivision ordinance regulating the design and improvement of land divisions within the City, as codified in Title 21 (Subdivisions) of the Municipal Code. Referencing Section 21.20.130(5) therein, the approval of a vesting tentative map shall confer a vested right to proceed with development of the subdivided lots in substantial compliance with the ordinances, policies and standards Section 66498.1 of the SMA. Subsequent land-use permits, building permits, extensions of time, or other entitlements filed on parcels created by the subdivision may be conditioned or denied only if the review authority determines that: (1) a failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both; or (2) the condition or denial is required in order to comply with State or federal law.

City of Diamond Bar General Plan

The City’s General Plan contains numerous policies addressing, either directly or indirectly, the broad topic of land use and which may be applicable to the assessment of the proposed project. Those policies include, but are not necessarily limited to, the following:

- 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).
- Maintain residential areas which protect natural resources, hillsides, and scenic areas. (a) Development in hillside areas should be designed to be compatible with surrounding natural areas, compatible to the extent practical with surrounding development, aesthetically pleasing, and provide views from development, but not at the expense of views of the development. (b) Earthwork in hillside areas should utilize contour or landform grading. (c) Minimize grading to retain natural vegetation and topography (Strategy 1.2.3, Land Use Element).
- 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).
- 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).

“Site D” Specific Plan

City of Diamond Bar, California

- Preserve significant environmental resources within proposed developments, allow clustering or transferring of all or part of the development potential of the entire site to a portion of the site, thus preserving the resources as open space, and mandating the dedication of those resources to the City or a conservancy (Strategy 1.5.6, Land Use Element).
- 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).
- Where feasible within new developments, encourage a mixture of complementary development types (e.g., commercial, residential, recreational, sales tax and employment-generating uses) which can be provided in an integrated manner (Strategy 1.6.5, Land Use Element).
- Require that new development be compatible with surrounding land uses (Strategy 2.2.1, Land Use Element).
- Prohibit the development of adjacent land uses with significantly different intensities or that have operational characteristics which could create nuisances along a common boundary, unless an effective buffer can be created (Strategy 2.2.2, Land Use Element).
- New development shall comply with the City’s Hillside Management Ordinance (Strategy 3.2.10, Land Use Element).
- Within the urban residential portions of the City, require the incorporation of open space and recreational areas into the design of new projects. Within topographically rugged and rural areas, emphasize the preservation of natural landforms and vegetation (Strategy 3.2.1, Land Use Element).
- Balance the retention of the natural environment with its conversion to urban form (Strategy 3.3.1, Land Use Element).
- Provide opportunities for development of suitable housing to meet the diverse needs of existing and future residents (Goal 2, Housing Element).
- 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).

As illustrated in [Figure 4.1-1](#) (City of Diamond Bar General Plan and Zoning Designations), the District Property is designed “Public Facilities (PF)” in the General Plan. The City Property is designated “General Commercial (C) (max. 1.0 FAR)” in the General Plan. The project site is the only area within the City that has been assigned a “Public Facilities (PF)” designation. As such, at the time the General Plan was prepared, that portion of the site so designation was perceived as a unique property requiring a site-specific land-use status.

With regards to the “Public Facilities (PF)” designation, the General Plan notes: “The Public Facilities (PF) designation is designed to identify existing or potential (future) sites for necessary public facilities or infrastructure improvements. The primary purpose of land designated as Public Facilities, is to provide areas for the conduct of public and institutional activities, such as public schools, parks and water facilities, including but not necessarily limited to local, State, and federal agencies, special districts, and both public and private utilities.”¹ With regards to “General Commercial (C),” the General Plan notes that the intent of that commercial designation

^{1/} City of Diamond Bar, City of Diamond Bar General Plan, Land Use Element, July 25, 1995, Strategy 1.1.5, p. I-11.

is “to provide for regional, freeway-oriented, and/or community retail and service commercial uses” at a floor-area-ratio of between 0.25 and 1.00.²

Neither General Plan designation explicitly authorizes residential development. Conversely, neither designation expressly precludes residential development nor states that residential uses would be inherently in conflict with the intent of the General Plan.

City of Diamond Bar Municipal Code

In accordance with Section 22.06.020 (Zoning Districts Established) in Chapter 22.06 (Establishment of Zoning Districts, Adoption of Zoning Map) in Title 21 (Subdivisions) of the Municipal Code, the City is divided in zoning districts which serve to implement the General Plan. Those zoning districts are shown on the Official Zoning Map (Section 22.06.030). The eastern portion of the project site is zoned “Low Density Residential (R-1-7,500)” and “Low Medium Density Residential (R-1-10,000)” on the City’s Official Zoning Map. The western portion of the site is zoned “Community Commercial (C-2)” on the City’s Official Zoning Map.

As indicated in Section 22.08.020 (Purposes of Residential Zoning Districts), the “Low Density Residential” (RL) district is intended primarily for parcels developed with existing detached single-family dwellings. The maximum allowed density for new residential subdivisions within this zoning district will be three dwellings per gross acre (3 DU/A). The RL zoning district is consistent with the low-density residential land-use category of the General Plan. As further indicated therein, the “Low/Medium Density Residential” (RLM) district is intended primarily for existing subdivided areas developed with detached single-family dwellings. The maximum allowed density for new residential subdivisions within this zoning district will be five dwellings per gross acre (5 DU/A). The RLM zoning district is consistent with the low-density residential land-use category of the General Plan.

As indicated in Section 22.08.020 (Purpose of Residential Zoning Districts) in Chapter 22.08 (Residential Zoning Districts) in Title 22 (Development Code) of the Development Code, the maximum allowable density for new residential subdivisions in the “Low/Medium Density Residential” district is five dwellings per gross acre. As specified in Section 22.10.020 (Purpose of Commercial/Industrial Zoning Districts) in Chapter 22.10 (Commercial/Industrial Zoning Districts) of the Development Code, the “Community Commercial (C-2)” zoning district is applied to areas appropriate for a wide range of retail shopping and service uses (Section 22.10.030), primarily intended to serve the needs of City residents. The allowable floor-area-ratio (FAR) for non-residential development shall be from 0.25 to 1.00.

As indicated in Section 21.30.120 (Residential Density) in Title 21 (Subdivisions) of the Municipal Code stipulates that the “maximum number of dwelling units permitted within a proposed subdivision shall not exceed the density established by the general plan for the site or the maximum number of dwelling units permitted by the applicable zoning district, and may be further restricted by considerations of safety, traffic access or circulation, the slope of the natural terrain, the physical suitability of the site, the nature or extent of existing development, the availability of public facilities, utilities, or open spaces or any other provision of this title.”

^{2/} *Ibid.*

“Site D” Specific Plan
City of Diamond Bar, California

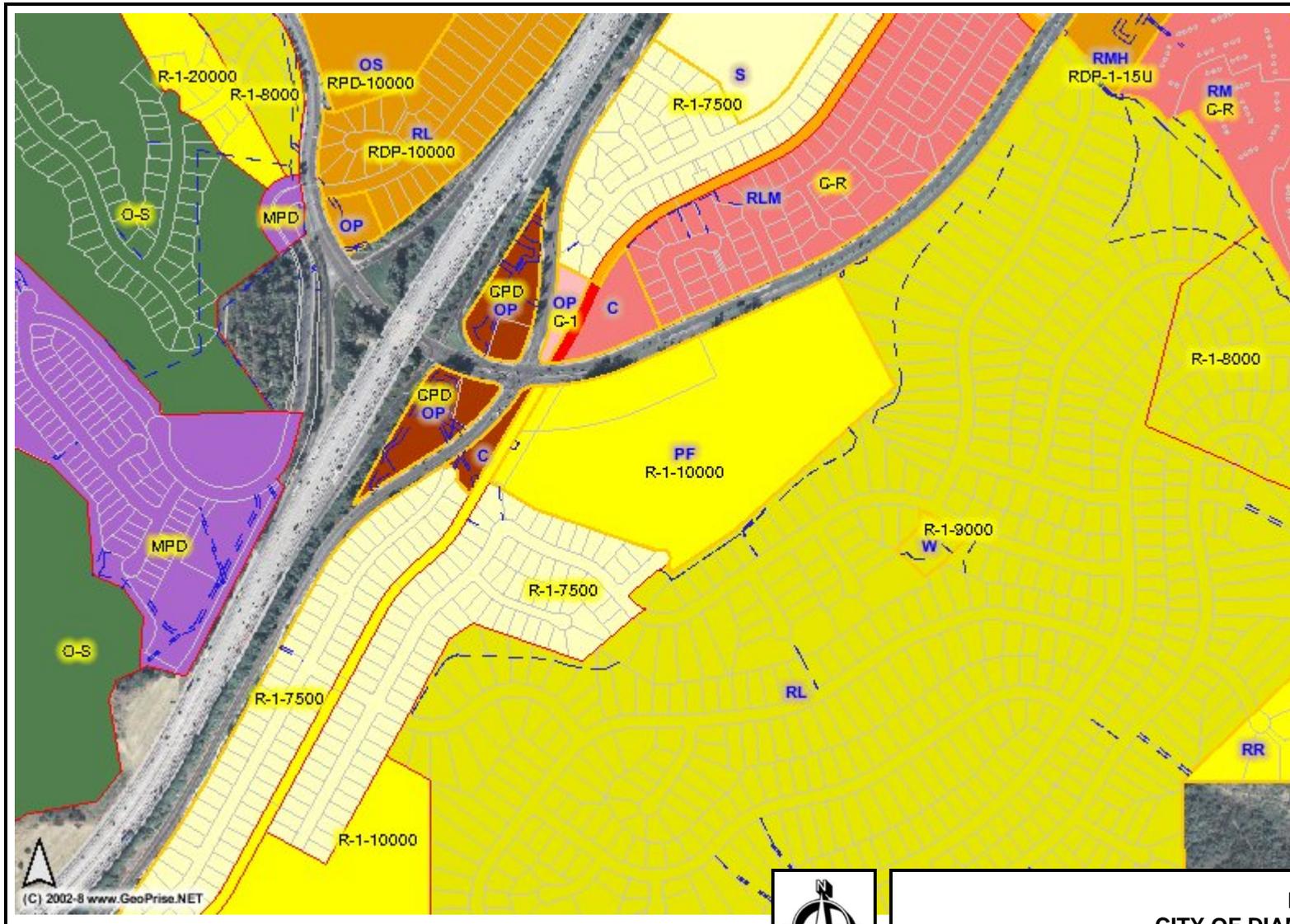


Figure 4.1-1
**CITY OF DIAMOND BAR
GENERAL PLAN AND ZONING DESIGNATIONS**
Source: City of Diamond Bar

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“Site D” Specific Plan

City of Diamond Bar, California

Based on existing topographic relief, the project is also subject to the provisions of Chapter 22.22 (Hillside Management) of the Development Code, applicable to all uses and structures within areas having a slope of 10 percent or greater (Section 22.22.020). It is the intent of this ordinance to establish regulations and guidelines to ensure that development will complement the character and topography of hillside areas. Section 22.22.060 (Landform Grading and Revegetation Standards) provides an outline of the City’s development standards for hillside management areas.

As stipulated in Section 22.22.040 (Density), the maximum number of units that may be allowed on a given parcel subject to the hillside management ordinance is calculated in compliance with specified requirements.³ Projects located in hillside management area are subject to the approval of a conditional use permit (CUP). In support of that CUP, as stipulated in Section 22.22.030 (Required Plans and Reports), development applications for projects proposed in qualifying hillside management areas shall include: (1) natural features map; (2) grading plan; (3) drainage map; (4) slope profiles; (5) geologic and soils report; (6) illustrated building elevations; and (7) such other material as may be determined necessary to aid in the analysis of the proposed project to illustrate existing or proposed conditions. As indicated in Table 4.1-1 (Allowable Hillside Management Densities), in accordance with the City’s hillside management ordinance, a maximum of 524 dwelling units can be constructed within the project area.

Table 4.1-1
ALLOWABLE HILLSIDE MANAGEMENT DENSITIES¹

Average Slope Range (%)	Density Reduction Factor	Open Space (%)	“Site D” Specific Plan	
			Acreage	Allowable Number of Units
0-25	None	None	22.7	454
26-30	0.9	10	2.0	36
31-35	0.8	20	1.4	22
36-40	0.6	30	1.0	-
Greater than 40	Development may be extremely limited	40	-	-
Total:			30.4	524

Notes:
1. Section 22.22.040 (Density), Municipal Code.
2. Acreage calculations exceed the total project area (29.69 acres) as a result of rounding.

Source: TRG Land, Inc.

As stipulated in Section 22.58.040 (Findings and Decision) of the Municipal Code, a CUP may be approved, with or without conditions, only if all of the following findings can be made: (1) the proposed use is allowed within the subject zoning district with the approval of a CUP and complies with all other applicable provisions of this development code and the Municipal Code; (2) the proposed use is consistent with the General Plan and any applicable specific plan; (3) the design, location, size, and operating characteristics of the proposed use are compatible with

^{3/} As determined through the development review process, an additional number of units may be eliminated due to environmental constraints. Identified environmental constraints include, but may not be limited to: (1) land areas subject to inundation during a 100-year storm; (2) land areas that are above the hillside view line; (3) land areas that lie within a federally recognized blue-line stream or that contain significant riparian streambed habitats or other established plant formations that constitute a significant natural feature or ecosystem or that contain rare or endangered species; (4) significant ecological areas (SEA); (5) land areas that are within 100 feet of a prominent ridgeline or hiking trail; and (6) land areas containing significant archaeological sites.

the existing and future land uses in the vicinity; (4) the subject site is physically suitable for the type and density/intensity of use being proposed including access, provision of utilities, compatibility with adjoining land uses, and the absence of physical constraints; (5) granting the CUP will not be detrimental to the public interest, health, safety, convenience, or welfare, or injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and (6) the proposed project has been reviewed in compliance with the provisions of CEQA.

Adoption of a proposed specific plan is entirely at the City Council’s discretion. The City Council shall adopt a specific plan only if it finds that the proposed plan is consistent with the General Plan and other adopted goals and policies of the City, and that the proposed specific plan is in compliance with the provisions of CEQA (Section 22.60.060). After the adoption of a specific plan, only a public works project, a tentative map or parcel map, for which a tentative map was not required, and an amendment to the Development Code may be approved within an area covered by a specific plan if it is first found consistent with the specific plan (Section 22.60.070).

4.1.1.2 Regional Setting

The southern California metropolitan area, which includes 129 municipalities, is the world’s sixth largest economy and is evolving into the largest metropolitan area in the United States. The southern California region includes a population exceeding 16 million persons in an area of more than 38,000 square miles. The Southern California Association of Governments (SCAG) is the largest regional planning organization in the United States, functioning as the “metropolitan planning organization”⁴ (MPO) for six counties: Los Angeles, Imperial, Orange, San Bernardino, Riverside, and Ventura.

To address regional challenges of growth, mobility, housing, and environmental quality, SCAG is responsible for developing specific regional plans, coordinating planning activities among regional stakeholders, providing a forum for public debate of regional issues, developing consensus on key regional issues, and serving as a source of regional information. SCAG’s 1996 “Regional Comprehensive Plan and Guide”⁵ (1996 RCPG) serves “as a framework for decision making with respect to the growth and changes that can be anticipated during the next 20 years and beyond.”⁶ The 1996 RCPG “represents an important step forward in defining a regional identity. It has an identity which has growth acceptance”⁷ as its foundation.

⁴/ A MPO is a transportation policy-making organization made up of representatives from local government and transportation authorities. The federal Surface Transportation Assistance Act of 1973 required the formation of an MPO for any urbanized area with a population greater than 50,000 persons. The federal Intermodal Surface Transportation Efficiency Act (ISTEA) directed those organizations to develop transportation plans and programs for the urbanized areas of the State. MPOs were created in order to ensure that existing and future expenditures for transportation projects and programs were based on a “continuing, cooperative and comprehensive” planning process. Federal funding for transportation projects and programs are channeled through this planning process.

⁵/ The design capacities of the County Sanitation Districts of Los Angeles County’s (CSDLAC) wastewater treatment plants are based on population forecasts contained in the 1996 RCPG. The 1996 RCPG is part of the “Air Quality Management Plan” (AQMP). In order to conform to the AQMP, all expansions of CSDLAC facilities must be sized and service must be phased in a manner consistent with the growth management chapter of the 1996 RCPG. The 1996 RCPG contains a regional forecast for the Counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of wastewater treatment and reclamation facilities is assumed to be limited to those levels associated with approved growth, as identified in the 1996 RCPG.

⁶/ Southern California Association of Governments, Regional Comprehensive Plan and Guide, March 1996, p. 2.

⁷/ *Ibid.*, p. 1.

“Site D” Specific Plan

City of Diamond Bar, California

SCAG is currently in the process of updating the 1996 RCPG. As indicated in the current draft 2005/2006 “Regional Comprehensive Plan” (Preliminary Draft Action Plan for Land Use and Housing Chapter): “Local governments are encouraged to develop specific plans for areas identified, by themselves or by the region, as key growth opportunities. The specific plan can be used to create additional definition regarding the types and intensities of use under the parameters set forth in the general plan.”⁸

As defined in the 1996 RCPG, growth management “does not mean curtailing growth through population, economic, or land use policies. Instead, Growth Management means encouraging local land use actions which could ultimately lead to the development of an urban form that will help minimize development costs, save natural resources, and enhance quality of life in the region.”⁹ The 1996 RCPG, which addresses the future of the Los Angeles metropolitan area through 2015, acknowledges that region-wide growth is inevitable. By 2010, the region’s population will increase to 20.5 million and, by 2015, 22 million people will reside in southern California area. To accommodate that growth, “[a]bout two million more [housing] units than exist today will be needed during the next 20 years.”¹⁰

SCAG operates through 14 subregional organizations, many of them organized as councils of government (COGs). The San Gabriel Valley Council of Governments (SGVCOG), the subregional COG, is comprised of 31 incorporated communities comprising the approximately 470-square mile area of the San Gabriel Valley. The SGVCOG describes the San Gabriel Valley as “the world’s best example of a polycentric metropolis demonstrating multiple centers. The current structure of the region is a result of the progressive integration of a number of separate centers to one urban configuration. The single most important factor supporting the development of the [s]outhern California region as a polycentric model is the automobile, which was the only transport means in the region during most of the second half of the 20th century.”¹¹

In 2000, the San Gabriel Valley’s population reached nearly 1,780,000 residents, representing approximately 18 percent of the population of the County. By 2030, the valley is projected to grow to approximately 2,300,000 residents, while adding about 220,000 new jobs.¹² The SGVCOG has concluded that the San Gabriel “Valley’s biggest challenge is the extraordinary growth that it has experienced, and will continue to experience in the coming years. Valley [l]eaders must find ways to accommodate the projected growth in population, jobs and housing. This will become increasingly more difficult as the Valley reaches build-out conditions, and has a diminished supply of vacant land to accommodate growth.”¹³

4.1.1.3 Local Setting

The project site is characterized as a relatively flat plateau with natural and graded slopes facing north and southeast. The property ranges in elevation from approximately 815-feet above mean sea level (AMSL) along the southeast boundary to about 670-feet AMSL near the western

⁸/ Southern California Association of Governments, Draft Regional Comprehensive Plan, Preliminary Draft Action Plan for Land Use and Housing Chapter, Community, Economic and Human Development Committee, October 2005, p. 5.

⁹/ *Op. Cit.*, Regional Comprehensive Plan and Guide, p. 3-1.

¹⁰/ *Ibid.*, p. 6-7.

¹¹/ San Gabriel Valley Council of Governments (IBI Group), SCVCOG Growth Visioning Project Summary Evaluation Report on Alternative Growth Scenarios, June 30, 2003, p. 5.

¹²/ San Gabriel Valley Council of Governments (IBI Group), San Gabriel Valley Regional Demographic Profile, Indicator Report, June 30, 2003, p. 3.

¹³/ San Gabriel Valley Council of Governments, Our Vision – Our Future, 2004, p. 30.

corner of the site. The majority of the site is covered with annual grasses, brush, and small trees. However, a few areas of dense brush and trees are located in the central and northern portions of the site.

As illustrated in Figure 1-2 (“Site D” Specific Plan - Aerial Photograph) and Figure 1-5 (City of Diamond Bar Property and Los Angeles County Flood Control District Property – Aerial Photograph), the project site constitutes a vacant property traversed by an existing County flood control facility (Brea Canyon Storm Drain Channel). A number of pedestrian trails can be observed on the property. The property is bordered on the north by Diamond Bar Boulevard and on the west by Brea Canyon Road. Single-family homes (fronting along Cold Springs Lane) back onto the eastern property lines. Single-family homes (fronting along Ambushers Street) back onto the southern property lines. Castle Rock Road and Pasado Drive terminate at the site’s southern boundary. Cherrydale Drive and Crooked Creek Road terminate at Diamond Bar Boulevard, across from the project site.

Lots 3-12 in Tract No. 32974 (located along Cold Springs Lane) and Lots 1-19 in Tract 34160 (located along Ambushers Street), all of which abut the project site between Pasado Drive and Diamond Bar Boulevard, have recorded “Restricted Use” along those rear slope areas coterminous with the District Property. Much of that area is comprised of engineered slopes with drainage facilities constructed as part of the grading of those adjoining residential areas and designed to transmit surface waters away from the slopes. Stormwaters transmitted from these facilities discharge onto the project site, draining in a northwesterly direction before discharging into the Brea Canyon Storm Drain Channel.

4.1.2 Threshold of Significance Criteria

Presented below is the threshold of significance criteria identified by the Lead Agency relative to this topical issue. In accordance therewith, the proposed project would normally be deemed to produce a significant land use impact if the project or if project-related activities were to:

- ◆ Physically divide an established community.
- ◆ Conflict with applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.¹⁴
- ◆ Induce substantial¹⁵ population growth in an area, either directly or indirectly.
- ◆ Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere and/or displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.¹⁶

Although growth projections are presented in the 1996 RCPG, SCAG acknowledges that “[t]he distribution of population, housing, and employment to subregions and cities constitute a forecast that public entities are currently anticipating, and do not imply a regional growth distribution policy intervention. The forecasts are a trend base case forecast used for analytical and modeling purposes, and form the basis of the development of SCAG’s functional plans.”¹⁷

^{14/} State of California, State CEQA Guidelines, Appendix G, Section IX (Land Use and Planning).

^{15/} Certain terms, such as “substantial,” are neither defined in CEQA nor in the State CEQA Guidelines and require a local determination whether a proposed action would meet or exceed the stated standard.

^{16/} *Op. Cit.*, State CEQA Guidelines, Section XII (Population and Housing).

^{17/} *Ibid.*, p. 3-5.

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While these projections do not establish a “policy intervention,” they serve an important role in the formulation of regional plans and policies. As a result, the project would normally be deemed to produce a significant land-use impact if the project or if project activities were to:

- ◆ Exceed SCAG’s population, housing, and employment projections for the project area and for the time period projected for the project’s build-out.

The Lead Agency has not identified other applicable or potentially applicable standards that can appropriately be extracted from other related policy or other environmental documents and used as the basis for assessing the potential significance of project-related and cumulative impacts.

4.1.3 Impact Analysis

Land use relates both to the physical use of a particular property and the public policies that govern that use. While construction-term impacts are confined to the construction period, the environmental effects that result from construction are often difficult to separate from the long-term impacts that those activities presage.

From a land-use perspective, the distinction between construction and operation, as used throughout this EIR, may not be directly relevant. In lieu of an assessment of construction and operational impacts, the Lead Agency has, therefore, conducted a compatibility and consistency analysis. Relative to the physical environment, the compatibility analysis examines the compatibility between the proposed uses and those existing and reasonably foreseeable future uses that may exist in proximity to those uses. The consistency analysis evaluates the proposed project in the context of those adopted plans and policies that relate, either directly or indirectly, to the proposed project. In addition, a separate analysis is presented addressing the potential impacts associated with the proposed land-use entitlements.

4.1.3.1 Compatibility Analysis

Land-Use Impact 1-1. *New commercial uses and higher density residential uses could introduce land-use compatibility conflicts between the proposed mixed-use project and existing single-family residential uses abutting the project site.*

Level of Significance before Mitigation. *Less-than-significant impact.*

The proposed project will result in temporary construction impacts. In most cases, when construction occurs adjacent to an established sensitive use, the occupants of the existing use are temporarily inconvenienced by the noise, dust, exhausts, and occasional access restrictions and utility disruptions that routinely accompany development activities. Beyond temporary inconvenience, annoyance, and disruption, few uses are significantly or permanently impacted by short-term construction activities.

The physical change to the project area associated with the introduction of new land uses, in and of itself, would not inherently generate significant land-use compatibility impacts. Land-use compatibility conflicts would typically only manifest if the characteristics, performance expectation, and operational requirements of one use were to differ substantially from the characteristics, performance expectations, and operational requirements of another nearby use.

As proposed, the project would include both commercial and residential uses. 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 between the two housing product types may vary, both existing and proposed residential uses would be expected to possess similar operational characteristics and use expectations. While the building envelope and any associated private yard areas may be smaller than what now generally exists in the abutting neighborhood areas and the proposed density (20 DU/A) of the new residential development may be substantially higher than other abutting properties (<6,000 square foot lots), the residential component of the project would be compatible with the existing residences in adjoining areas.

As a specific plan, the SDSP does not expressly dictate the location of specific land uses on the project site. Subject to their placement and separate distance from off-site receptors, commercial uses can potentially conflict with adjoining residential uses because the operational characteristics of those uses, the performance standards against which commercial and residential uses are held, and the expectations of each site user can vary. Most potential conflicts are associated with either noise-intrusion from loading dock activities and late-night operations and/or light-intrusion associated with spill-light from pole-mounting or directional light sources. Although their frequency may increase in commercial areas, automobile alarms, horns, and amplified music are not unique to commercial areas.

Site planning activities conducted with an awareness of potential use conflicts, horizontal and vertical separation distances, the presence of obstacles that impede line-of-sight light and sound transmission, perimeter landscaping, and the use of sound walls and similar insulation can all be used as effective design tools allowing the placement of land uses of different types in close proximity to one another.

Chapter 22.48 (Development Review) of the Development 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. In addition, Section 22.16.080 (Screening and Buffering) in Chapter 22.6 (General Property Development and Use Standards) presents the City’s minimum standards for the screening and buffering of adjoining land uses, equipment and outdoor storage areas, and surface parking areas with respect to both multi-family and non-residential land uses. As stipulated, in part, therein: (1) an opaque screen, consisting of plant material and a masonry wall 6-feet high, shall be installed along parcel boundaries whenever a commercial development adjoins a residential zoning district; (2) roof-mounted or ground-mounted mechanical equipment, loading docks, service yards, waste and storage areas, and utility services shall be screened from public view from abutting public streets, rights-of-way, and abutting areas zoned for residential or open space uses, including views from above the subject project; (3) outdoor building and garden supply areas shall be screened with walls, fencing, landscaping, or similar material to minimize visibility of the storage area.

As illustrated in Figure 2-3 (“Site D” Specific Plan – Conceptual Land-Use Plan) and Figure 1-6 (Los Angeles County Assessor’s Parcel Map – Tract Map No. 25989), only a limited number of residential receptors will be placed in close proximity to proposed on-site commercial uses. Since no commercial site plan has been presented for the Lead Agency’s consideration, it is not possible at this time to critique the effectiveness of the current design plan at reducing intrusive influences on adjoining receptors. However, once development plans are formulated, those plans remain subject to the City’s development review process and must conform to applicable property development and use standards.

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Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required. However, in order to further reduce potential conflicts between abutting residential and commercial areas, a number of conditions of approval (Condition of Approval 1-1 and Condition of Approval 1-2) have been formulated regulating delivery activities and specifying California Department of Real Estate (DRE) disclosure requirements.

4.1.3.2 Consistency Analysis

Land-Use Impact 1-2. *The proposed mixed-use project, including the land uses, densities, and development standards now under consideration, could conflict with the adopted plans and policies of the City.*

Level of Significance before Mitigation. *Less-than-significant impact.*

The City's General Plan includes a broad array of land use and other policies that relate, either directly or indirectly, to the proposed project. Because “the general plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies,”¹⁸ the focus on the following analysis is on the assessment of the project's consistency with relevant land-use policies identified in the General Plan.¹⁹ As required under Section 65454 of the CGC, no specific plan may be adopted or amended unless the proposed specific plan or amendment is consistent with the General Plan.²⁰

Presented in Table 4.1-2 (Project Consistency with General Plan Policies) is the Lead Agency's consistency analysis with those General Plan policies deemed to be most applicable to the proposed project. Since the role of the City Council is to interpret and to apply the policies of the General Plan, the information presented herein is preliminary in nature and subject to potential refinement or modification by the project's decision makers. As indicated therein, it is the Lead Agency's preliminary finding that the proposed project generally appears consistent with the cited policies of the General Plan.

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. Presented in Table 4.1-3 (Project Consistency with Hillside Management Objectives) is an assessment of the project's consistency with the objectives of that ordinance. As indicated in Table 4.1-1 (Hillside Management Densities) and Figure 4.1-2 (Slope Density Analysis), 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 western portion of the project site is zoned “Community Commercial (C-2)” and the eastern portion of the project site is zoned “Low Density Residential (R-1-7,500)” and “Low Medium Density Residential (R-1-10,000)” on the City's Official Zoning Map. As specified in Subsection

¹⁸/ Section 65300.5, California Government Code.

¹⁹/ The Planning Commission (Commission) and the City Council (Council) make all requisite findings regarding consistency based on information contained in the whole of the project's administrative record. As such, the preliminary findings presented herein may or may not reflect the position and final actions of the Commission and/or the Council and may be subsequently modified based on additional information and analysis prepared by the Lead Agency or presented as part of the planning and environmental review processes.

²⁰/ Section 65455 of the CGC further stipulates that no local public works project may be approved, no tentative map or parcel map for which a tentative map was not required may be approved, and no zoning ordinance may be adopted or amended within an area covered by a specific plan unless it is consistent with the adopted specific plan.

(d)(2) in Section 22.06.040 (Zoning District Regulations) of the Development Code: “Where a lot line adjustment or tentative map application proposes the consolidation of two or more parcels, so that a single parcel would be covered by two or more zoning districts, the application for adjustment or map approval shall be accompanied by an application for rezoning the lot into a single zoning district, in compliance with Chapter 22.70 (General Plan, Development Code, and Zoning Map Amendments).” Absent a specific plan, assuming a lot-line adjustment to between equate the existing zoning with the site’s development potential, as represented in Figure 2-3 (“Site D” Specific Plan - Conceptual Land-Use Plan), approximately 10.09-acre and 10.07-acre portions of the property would be allotted to commercial and residential uses, respectively. The remaining approximately 9.53-acres of the 29.69-acre property would be used to accommodate internal circulation and would become common open space areas that, for the purpose of assessing development potential, could be assignable to either the commercial or residential acreage.

As specified in Section 22.10.020 (Purpose of Commercial/Industrial Zoning Districts) in Chapter 22.10 (Commercial/Industrial Zoning Districts) of the Development Code, the allowable FAR for non-residential development in the “Community Commercial (C-2)” zoning district shall be from 0.25 to 1.00. In accordance therewith, a range of between 109,880 and 439,520 square feet of commercial use could be developed on the project site. The 153,985 square feet of commercial use now being proposed falls near the lower end (0.35 FAR) of the allowable FAR range and would, therefore, be consistent with the City’s land-use policies.

As proposed, the Applicant seeks approval for 202 dwelling units on an approximately 10.07-acre building pad, representing a residential density of 20.06 dwelling units per gross acre (20.06 DU/A). Based on a residential area of 19.60 acres (10.07+9.53=19.60) and the application of the highest applicable density standards authorized in the “Low Medium Density Residential” zone (5 DU/A), a total of 98 dwelling units could be constructed on the project site. This number is substantially less than the 202 dwelling units now being proposed under the “Site D’ Specific Plan.” Based on a residential acreage of 19.60 acres, the 202 proposed units represents a residential density of 10.31 dwelling units per gross acre (10.31 DU/A). If a fractional portion of the common areas were assigned to the commercial development, the resulting density would be less than 20.01 DU/A but more than 10.31 DU/A.

As stipulated in Section 22.06.040 (Zoning District Regulations), referencing Table 202 (Zoning Consistency Matrix) therein, within the “Low Medium Density Residential (RLM)” designation, the following existing zoning districts are deemed consistent: R-1-8,000, RPD-8,000, R-A-8,000, R-1-7,500, R-1-6,000, and R-2. None of those zoning districts allow for the development of residential uses at a density of 10.31 DU/A. As such, the proposed residential component of the project is not consistent with the City’s existing land-use policies and a General Plan amendment (GPA) and/or zone change (ZC) would be required to accommodate that portion of the proposed project.

As indicated in Strategy 1.1.1 in the Land Use Element of the General Plan, in addition to a “Specific Plan (SP)” designation, there exists three distinct residential land use categories that would accommodate a residential development project at the density now proposed. Each of those residential General Plan designations is described below.

- “Medium Density Residential (RM)” General Plan Designation. Designate existing planned townhome, condominium, apartment, mobile home, and other multiple family residential properties as “Medium Density Residential (RM)” on the Land Use Map.

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Maintain a maximum density of 12.0 dwelling units per gross acre (12 DU/A) within these areas.

- “Medium High Residential (RMH)” General Plan Designation. Designate existing and planned townhome, condominium, apartment, and other multiple family residential properties as “Medium High Residential (RMH)” on the Land Use Map. Maintain a maximum density of 16.0 dwelling units per gross acre (16 DU/A) within these areas.
- “High Density Residential (RH)” General Plan Designation. Designate existing and proposed high-density condominium and apartment developments and other high-density properties as “High Density Residential (RH)” on the Land Use Map. Maintain a maximum density of 20.0 dwelling units per gross acre (20 DU/A) within these areas.

In addition to a “Specific Plan (SP)” designation, as stipulated in Section 22.08.020 (Purposes of Residential Zoning Districts) of the Development Code, there exist three residential zoning districts that would accommodate a residential development project at the density now proposed. Each of those residential zoning districts is described below.

- “Medium Density Residential (RM)” Zoning District. The RM zoning district is intended for areas developed with existing planned townhome, condominium, apartment, mobile home, and other multi-family residential projects. The maximum allowed density for new residential projects within this zoning district will be 12 dwelling units per gross acre (12 DU/A). The RM zoning district is consistent with the medium-density residential land use category of the General Plan.
- “Medium/High Density Residential (RMH)” Zoning District. The RMH zoning district is intended for areas of existing and planned townhome, condominium, apartment, other multi-family residential projects, and mobile home parks. The maximum allowed density for new residential projects within this zoning district will be 16 dwelling units per gross acre (16 DU/A). The RMH zoning district is consistent with the medium-high density residential land-use category of the General Plan.
- “High Density Residential (RH)” Zoning District. The RH zoning district is intended for areas of existing and proposed high-density condominium and apartment projects, other high-density residential projects, and mobile home parks. The maximum allowed density for new residential projects within this zoning district will be 20 dwelling units per gross acre (20 DU/A). The RH zoning district is consistent with the high-density residential land-use category of the General Plan.

As indicated, both the General Plan and Development Code include a variety of designations and districts which would accommodate residential densities at the density now proposed. Although a GPA and/or ZC would be required to accommodate the proposed residential use, the proposed densities are allowable in the City. As such, subject to a GPA and/or ZC, the residential portion of the project would be deemed consistent with the General Plan. Absent those actions, the residential component of the project would not be permitted (absent an affordable housing component). If the residential component were not to be developed, the issue of General Plan and Development Code consistency would be mute.

In addition to the City’s policies and policy directives, in order for the County to provide water and sewer service to the project area, the proposed project must be found to be consistent with

SCAG’s 2008 “Regional Comprehensive Plan – Helping Communities Achieve a Sustainable Future”²¹ (2008 RCP).

In October 2008, SCAG’s Regional Council “accepted”²² the 2008 RCP, updating the “Regional Comprehensive Plan and Guide”²³ (1996 RCPG). As indicated therein, in 2004, “SCAG’s Regional Council directed the preparation of ‘Regional Comprehensive Plan’ as part of SCAG’s Ten-Year Strategic Plan. Specifically, the Regional Council established the agency’s goal to create a RCP to guide regional development, with the RCP representing “a comprehensive overview of the region’s economic, social and environmental future with special attention being given to housing and transportation.’ Similar to the ‘Regional Comprehensive Plan and Guide’ adopted by the Regional Council in 1996, the updated 2008 RCP is a long-term comprehensive plan which addresses the SCAG region’s many challenges, and provides a strategic vision for handling the region’s land use, housing, economic, transportation, environmental and overall quality of life needs.”²⁴

The 2008 RCP contains goals, outcomes, and an action plan. The goals create a definition for sustainability, the outcomes establish what might be achieved by pursuing the action strategy, and the action plan proposes specific action steps that could be undertaken by SCAG, State, federal, and local governments, and other entities. The action plan is divided into “constrained policies” (i.e., policies that can be reasonably achieved given current political will, funding, and other variables) and “strategic initiatives” (i.e., actions that, while not currently practical, would be required to achieve the stated goals). The 2008 RCP constitutes a “voluntary framework” and “voluntary action plan and includes the following “guiding principles”: (1) improve mobility for all residents; improve the efficiency of the transportation system by strategically adding new travel choices to enhance system connectivity in concert with land-use decisions and environmental objectives; (2) foster livability in all communities; foster safe, healthy, walkable communities with diverse services, strong civic participation, affordable housing and equal distribution of environmental benefits; (3) enable prosperity for all people; promote economic vitality and new economies by providing housing, education, and job training opportunities for all people; (4) promote sustainability for future generations; promote a region where quality of life and economic prosperity for future generations are supported by the sustainable use of natural resources.”²⁵

The 2008 RCP contains nine chapters (land use and housing, open space and habitat, water, energy, air quality, solid waste, transportation, security and emergency preparation, and economy) that focus on specific areas of planning or resource management. Many of these areas may be applicable to the general project area and those specific planning efforts now underway. For example, with regards to land use and housing goals, SCAG goal is to successfully integrate land and transportation planning and achieve land use and housing sustainability by implementing the “Compass Blueprint 2% Strategy” by, in part,: (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; (3)

^{21/} Southern California Association of Governments, Regional Comprehensive Plan – Helping Communities Achieve a Sustainable Future, October 2, 2008.

^{22/} Southern California Association of Governments, Regional Council, Resolution No. 08-502-2 (Resolution of the Southern California Association of Governments Accepting the 2008 Regional Comprehensive Plan for the SCAG Region – Helping Communities Achieve a Sustainable Future, October 2, 2008.

^{23/} Southern California Association of Governments, Regional Comprehensive Plan and Guide, March 1996.

^{24/} *Op. Cit.* Resolution No. 08-502-2 (Resolution of the Southern California Association of Governments Accepting the 2008 Regional Comprehensive Plan for the SCAG Region – Helping Communities Achieve a Sustainable Future, October 2, 2008.

^{25/} *Op. Cit.*, Regional Comprehensive Plan – Helping Communities Achieve a Sustainable Future, pp. 5-6.

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providing new housing opportunities, with building types and locations that respond to the region’s changing demographics; (4) targeting growth in housing, employment, and commercial development within walking distance of existing and planned transit stations; and (5) protecting important open space, environmentally sensitive areas, and agricultural lands from development. SCAG’s desired land use and housing outcomes include, but are not limited to: (1) significantly increasing the number of city and county general plans consistent with the Compass Blueprint principles by 2012; (2) significantly increase the number and percentage of new housing units and jobs created within the Compass Blueprint “2% Strategy Opportunity Areas” by 2012 and improve the regional jobs-housing balance; (3) reduce total regional vehicle miles traveled to 1990 levels by 2020; (4) add 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; (5) increase regional homeownership; and (6) significantly decrease the rate of land consumed for urbanization between 2007 and 2035.²⁶

The 2008 RCP contains a total of 206 constrained and strategic regional policies, many of which have multiple benefits with regards to their inter-connection amongst resource areas. With regards to the nine areas of planning and resource management presented in the 2008 RCP, those constrained and strategic regional policies that appear most applicable to the proposed project are presented in Table 4.1-4 (Project Consistency with Southern California Association of Governments Policies – 2008 Regional Comprehensive Plan). Presented therein is the Lead Agency’s preliminary consistency analysis with regards to those applicable or potentially applicable SCAG policies identified by the Lead Agency. It is the Lead Agency’s preliminary finding that the proposed project is generally consistent with the 2008 RCP.

Additionally, in order to assess regional retail water demands, the Metropolitan Water District of Southern California (MWD), the regional water supplier, utilizes an econometric model that relates water use to independent variables, such as housing, employment, income, price, and weather. The model’s demographic and economic variables are based on SCAG’s regional transportation plan and the San Diego Association of Governments’ (SANDAG) “2020 Forecast.” SCAG and SANDAG demographic projections are supported by environmental impact reports and are based on city, county, and regional general plans.

If a proposed development located within MWD’s service area is included in local general plans, which serve as the basis for the SCAG and SANDAG projections, there should be a linkage between the water demands for that development and the supplies made available by MWD and its member agencies. Projects that are consistent with local general plans can also be assumed to be included in MWD’s water demand projections and adequately accommodated by MWD’s ongoing regional water supply planning efforts.

As such, the consistency analysis must include consideration of both policy compliance and a determination whether site-specific and project-related build-out projections have been factored into local and, by extension, into regional growth scenarios. As indicated in Table 3-1 (City of Diamond Bar General Plan - Existing and Proposed Land Use Comparison), substantial growth is anticipated and authorized under the land-use policies of the General Plan. With regards to housing development, that anticipated growth is primarily the result of construction of new single-family residences (6,235 dwelling units). No distinction is, however, made between single-family detached and single-family attached housing. As such, with regards to residential development, the proposed project appears consistent with regional plans. Conversely, as indicated in Table 3-1 (City of Diamond Bar General Plan - Existing and Proposed Land Use

^{26/} *Ibid.*, pp. 17 and 18.

Comparison), between 1990 and 2015/2020, the City projected only 18,010 square feet of new commercial development.

As indicated, in part, in the “City of Diamond Bar General Plan Status Report – Period Beginning January 1, 2003 and Ending December 31, 2006”; (1) in 2004, the City approved a 52,000 square foot commercial building for office and retail uses and a mixed-use specific plan consisting of a 130,000 square foot big-box retail and two restaurant pads; and (2) in 2005, a Target shopping center was approved and completed in 2006.²⁷ Based on those and other projects approved since 1995, the City’s commercial growth has exceeded the projections presented in the General Plan and its accompanying environmental documentation. However, during that same period, the City projected that 897,387 square feet of new office space would be developed and that all commercial, office, and business park uses would experience a net increase of 815,352 square feet of employment-generating land uses, resulting in a net increase of 1,560 new jobs over that period.

Since it is not possible to definitively determine whether that projected job growth has been consumed by past projects approved by the City, the programmatic analysis conducted by the City for the General Plan may not accurately reflect actual growth that has occurred within the City since the certification of the General Plan FEIR in 1995. To the extent that regional growth projections continue to be based on those projections, with regards to the City’s incremental contribution to areawide growth. In order to ensure that regional plans continue to reflect local decision making, a condition of approval (Condition of Approval 1-3) has been formulated requiring coordination with SCAG.

Between 2005 and 2010, SCAG projects that the City’s population will increase by 1,145 residents and the number of household will increase by 642 households. Based on an average household size within the City was comprised of 3.18 individuals, as indicated in 2000 United States Census Tract Data, the average household size within the City was comprised of 3.18 individuals. Absent any consideration of vacancy rates and adjustments for housing and product type, the project’s 202 dwelling units represent about 31.5 percent of the projected increase in housing stock and the project’s approximately 662 residents represent about 57.8 percent of that population growth.

It is the Lead Agency’s preliminary findings that the projected increase in the number of housing units (202 units) and population (662 individuals) are generally consistent with both the City’s projections and with the regional growth forecasts formulated by SCAG for the 2005-2010 period. Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no project conditions or mitigation measures are recommended or required.

4.1.3.3 Land-Use Entitlements

Land-Use Impact 1-3. *Project implementation requires a General Plan amendment, adoption of a specific plan, 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.*

Level of Significance before Mitigation. *Less-than-significant impact.*

^{27/} City of Diamond Bar, City of Diamond Bar General Plan Status Report – Period Beginning January 1, 2003 and Ending December 31, 2006, August 21, 2007, p. 3.

Table 4.1-2
PROJECT CONSISTENCY WITH GENERAL PLAN POLICIES

No.	General Plan Policies	Assessment of Project Consistency/Inconsistency
Strategy 1.1.8 Land Use Element	Areas designated as Planning Areas (PA) are designed to conserve open space resources and are to be applied to properties where creative approaches are needed to integrate future development with natural resources. All proposed development within these designated areas shall require the formation of a Specific Plan pursuant to the provisions of Government Code Section 65450. Land uses which may be appropriate within the planning area shall be subject to public hearings and approval of the City Council. Each specific plan must incorporate innovative and superior design addressing the uniqueness of each area and create a more desirable living environment than could be achieved through conventional development.	Consistent. The Applicant has prepared and the City is currently considering adoption of the “Site D’ Specific Plan.” The Commission and Council will independently determine whether the specific plan incorporates innovative and superior design addressing the uniqueness of the project site and creates a more desirable living environment than could otherwise be provided under conventional development.
Strategy 1.1.9 Land Use Element	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.	Consistent. The proposed configuration of residential and commercial development represents a unique mixed-use project and expands the range of housing options available to City residents.
Strategy 1.2.2 Land Use Element	Maintain the integrity of residential neighborhoods by discouraging through traffic and preventing the creation of new major roadway connections through existing residential neighborhoods.	Consistent. The project will not result in the introduction of any cut-through traffic into existing residential neighborhoods.
Strategy 1.2.3 Land Use Element	Maintain residential areas which protect natural resources, hillsides, and scenic areas. (a) Development in hillside areas should be designed to be compatible with surrounding natural areas, compatible to the extent practical with surrounding development, aesthetically pleasing, and provide views from development, but not at the expense of views of the development. (b) Earthwork in hillside areas should utilize contour or landform grading. (c) Minimize grading to retain natural vegetation and topography.	Consistent. Consistent with the goals of the City General Plan, the project has been designed to maintain a balanced earthwork on the site. The project will be graded with hillside grading techniques using landform grading and blending of slopes back to native conditions. Due to the extensive amount of remedial work necessary to maintain stability in the project, most of the site will be graded and very little of the natural vegetation retained. The goal of the project from a landscape architectural perspective is to mitigate for the loss of any trees on site, including California black walnut. Trees will be replaced in a ratio consistent with the goals of the City. View analysis has been preformed to ensure the view from the property is not at the expense of the adjoining neighbors. The goal for the project edges is to provide an aesthetically pleasing condition and to avoid disruption of the views across the property from the adjoining residences.

Table 4.1-2 (Continued)
PROJECT CONSISTENCY WITH GENERAL PLAN POLICIES

No.	General Plan Policies	Assessment of Project Consistency/Inconsistency
Strategy 1.2.4 Land Use Element	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.	Consistent. The project includes “for-sale” residential units. The entitlement strategy is to have the maximum number of units for a Type 5 residential project approved, such that the upper limits of the entitlement could be realized if that is where the market is at the time of the project sale. The project is surrounded by a variety of existing residential unit types, including attached and detached residential and for-sale and rental residential.
Strategy 1.2.6 Land Use Element	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.	Consistent. Private recreational facilities will be provided on the site in the residential areas. To ensure connectivity is provided, a trail system is provided to both adjoining major streets for public transportation and connectivity to adjoining neighborhoods. Internal to the project, connectivity is provided to give residents direct access to the commercial site.
Strategy 1.6.4 Land Use Element	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.	Consistent. The project includes the clustering of residential development in the upper portions of the site adjacent to the existing areas and open space. The adjoining slopes and passive open space areas surrounding the property will be enhanced by planting indigenous materials to blend the project with the existing surrounding vegetation.
Strategy 1.6.5 Land Use Element	Where feasible within new developments, encourage a mixture of complementary development types (e.g., commercial, residential, recreational, sales tax and employment-generating uses) which can be provided in an integrated manner.	Consistent. The project includes complementary residential and uses.
Strategy 2.2.1 Land Use Element	Require that new development be compatible with surrounding land uses.	Consistent. The residential component is consistent with those uses surrounding the site.
Strategy 3.2.10 Land Use Element	New development shall comply with the City’s Hillside Management Ordinance.	Consistent. The project complies with the Hillside Management Ordinance by grading the site to emulate the existing grades. The proposed number of dwelling units is less than allowable number authorized using the slope analysis reduction factor. There are no ridgelines or significant archaeology sites on the site to be disturbed.

Table 4.1-2 (Continued)
PROJECT CONSISTENCY WITH GENERAL PLAN POLICIES

No.	General Plan Policies	Assessment of Project Consistency/Inconsistency
Goal 2 Housing Element	Provide opportunities for development of suitable housing to meet the diverse needs of existing and future residents.	Consistent. The development of 202 units is being proposed.
Strategy 1.1.2 Resource Manage. Element	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.	Consistent. 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. 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 on between the southern edge and the adjoining residents. The slope heights will exceed 50 feet in many places and allow for the back drop of landscape material to screen the manufactured slopes and act as an aesthetic backdrop.

Source: City of Diamond Bar

Table 4.1-3
PROJECT CONSISTENCY WITH HILLSIDE MANAGEMENT OBJECTIVES

No.	Municipal Code Objective	Assessment of Project Consistency/Inconsistency
1	Preserve and protect the views to and from hillside areas in order to maintain the identity, image and environmental quality of the City.	Consistent. The project will prepare a visual analysis and site sections to demonstrate the impact to surrounding residents to ensure, to the extent feasible, that the views from existing residents will not be significantly altered.
2	Maintain an environmental equilibrium consistent with the native vegetation, animal life, geology, slopes, and drainage patterns.	Consistent. The project will maintain the existing tributary area for drainage to ensure water quality provisions are met according to the latest standards. Re-vegetation of the slopes within the project will be done using drought tolerant and indigenous or California adapted plant material. Geology has been a significant consideration in the design of this site.

Table 4.1-3 (Continued)
PROJECT CONSISTENCY WITH HILLSIDE MANAGEMENT OBJECTIVES

No.	Municipal Code Objective	Assessment of Project Consistency/Inconsistency
3	Facilitate hillside preservation through appropriate development standards and guidelines of hillside areas. The guidelines are intended to provide direction and encourage development which is sensitive to the unique characteristics common to hillside properties, which include, slopes, landform, vegetation and scenic quality. Innovation in design is encouraged as long as the end result is one which respects the hillside and is consistent with the purposes expressed in this section and in the goals and objectives of the General Plan.	Consistent. The fundamental shaping of the property is consistent with the existing landforms. In order to achieve a balanced condition, those areas on the northwest side of the property which are relatively low will remain as a flatter pad area to house the neighborhood commercial project. The southeasterly portions which rise above Diamond Bar Boulevard will be maintained as high points and will house residential part of this mixed-use development.
4	Ensure that development in the hillside areas shall be concentrated in those areas with the least environmental impact and shall be designed to fit the existing landform.	Consistent. The project is being graded in a manner consistent with the existing landforms. The site has been disturbed over a period of many years going back prior to the incorporation of the City. The site was part of a working cattle ranch.
5	Preserve, where possible, significant features of the natural topography, including swales, canyons, streams, knolls, ridgelines, and rock outcrops. Development may necessarily affect natural features by, for example, roads crossing ridgelines. Therefore, a major design criterion shall be the minimization of such impacts.	Consistent. The landform grading that has been proposed for the project is as consistent to the existing site condition as is reasonably possible while still allowing for the site’s development.
6	Provide a safe means of ingress and egress for vehicular and pedestrian traffic to and within hillside areas, with minimum disturbance to the undeveloped terrain.	Consistent. Site access has been analyzed by a traffic engineer and fair-share requirements have been set forth. Ingress and egress to the site has been carefully designed and will include a series of turning movements facilitated by increased turn pocket configurations within the median at Diamond Bar Boulevard and Cherrydale, as well as deceleration lanes and turn pockets at the site entry.
7	Correlate intensity of development with the steepness of terrain in order to minimize the impact of grading, unnecessary removal of vegetation, land instability, and fire hazards.	Consistent. The existing site conditions have the larger portion of the property gently sloping from south to north, terminating at the drainage at Diamond Bar Boulevard and Brea Canyon Road. The existing topography is mimicked by the proposed plan as the low areas are kept low and the high areas kept high, thus providing for the greatest amount of land stability consistent with the underlying landforms and minimization the amount of grading necessary for the property.

Table 4.1-3 (Continued)
PROJECT CONSISTENCY WITH HILLSIDE MANAGEMENT OBJECTIVES

No.	Municipal Code Objective	Assessment of Project Consistency/Inconsistency
8	Provide in hillsides alternative approaches to conventional flat land development practices by achieving land use patterns and intensities that are consistent with the natural characteristics of hill areas (e.g., slopes, landform, vegetation and scenic quality).	Consistent. The project intends to use the more conventional flat pad approach to development. The ability to maintain the natural characteristics of this hill area are incumbent on the overall grading concept maintaining low areas that exist as low area and high areas that exist as high areas. The existing profile of the property will be mimicked and the large slopes bordering Diamond Bar Boulevard and the large slopes on the south end of the property will add to a backdrop to the development. The vegetation will include indigenous plants and, to the extent feasible, meet mitigation requirements for the California black walnut.
9	Encourage the planning, design and development of sites that provide maximum safety with respect to fire hazards, exposure to geological and geotechnical hazards, drainage, erosion and siltation, and materials of construction; provide the best use of natural terrain; and to prohibit development that will create or increase fire, flood, slide, or other safety hazards to public health, welfare, and safety.	Consistent. Planning design of the site has had extensive geological and engineering applications applied due to the instability associated with this region. The project design seeks to ensure that existing and future residents are protected from potential geological hazards. On-site drainage has been handled in a fashion that provides for the existing provisions of the water quality requirements of the region as well as ensuring flood capacities are adequately handled within this property to outlying systems. In consultation with the Los Angeles County Flood Control District, on-site drainage facility will provide adequate flood protection.

Source: City of Diamond Bar

Table 4.1-4
PROJECT CONSISTENCY WITH SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS POLICIES 2008 REGIONAL COMPREHENSIVE PLAN

No.	SCAG Goal, Objective, Policy, or Action	Assessment of Project Consistency/Inconsistency
	Land Use and Housing Action Plan	
LU 4	Local government should provide for new housing consistent with State Housing Element law, to accommodate their share of forecast regional growth.	Consistent. The SDSP will allow for the development of up to 202 dwelling units which will facilitate Citywide planning efforts to accommodate the City’s share of the forecasted regional growth forecast.

Table 4.1-4 (Continued)
**PROJECT CONSISTENCY WITH
SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS POLICIES
2008 REGIONAL COMPREHENSIVE PLAN**

No.	SCAG Goal, Objective, Policy, or Action	Assessment of Project Consistency/Inconsistency
LU 6	Local governments should consider shared regional priorities, as outlined in the Compass Blueprint, Regional Transportation Plan, and this Regional Comprehensive Plan, in determining their own development goals and drafting local plans.	Consistent. The SDSP will not impede the City from considering shared regional priorities.
LU 6.2	Developers and local governments should integrate green building measures into project design and zoning such as those identified in the U.S. Green Building Council’s LEED, Energy Star Homes, Green Point Rated Homes, and the California Green Building Program.	Consistent. Development activities which occur on the SDSP site will integrate green building strategies into its proposed design.
Open Space and Habitat – Natural Lands Action Plan		
OSN 12	Local governments should track and Monitor Open Space Conservation by: [1] Considering the most recent annual report on open space conservation in planning and evaluating projects and programs in areas with regionally significant open space resources. [2] Ensuring consistency with the open space conservation policies and goals of the RCP.	Consistent. The SDSP avoids significant impacts to regionally significant open space resources. The project constitutes in-fill development and is not a regionally significant project.
OSN 13	Local governments should develop and implement mitigation for open space impacts by: [1] Promoting coordinated mitigation programs for regional projects and establish the basis for inter-regional conservation strategies. [2] Planning development in locations least likely to cause environmental impacts.	Consistent. The SDSP avoids significant impacts to regionally significant open space resources. The project constitutes in-fill development and is not a regionally significant project.
OSN 14	Developers and local governments should implement mitigation for open space impacts through the following activities: [1] Individual projects should either avoid significant impacts to regionally significant open space resources or mitigate the significant impacts through measures consistent with regional open space policies for conserving natural lands, community open space and farmlands. All projects should demonstrate consideration of alternatives that would avoid or reduce impacts to open space. [2] Individual projects should include project design, to the maximum extent practicable, mitigation measures and recommended best practices aimed at minimizing or avoiding impacts to natural lands, including, but not limited to FHWA’s Critter Crossings, and Ventura County Mitigation Guidelines. [3] Project level mitigation for RTP’s significant cumulative and growth-inducing impacts on open space resources will include but not be limited to the conservation of natural lands, community open space and important farmland through existing programs in the region or through multi-party conservation compacts facilitated by SCAG.	Consistent. The SDSP avoids significant impacts to regionally significant open space resources. The project constitutes in-fill development and is not a regionally significant project.

Table 4.1-4 (Continued)
**PROJECT CONSISTENCY WITH
SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS POLICIES
2008 REGIONAL COMPREHENSIVE PLAN**

No.	SCAG Goal, Objective, Policy, or Action	Assessment of Project Consistency/Inconsistency
OSN 14 (Cont.)	[4] Project sponsors should ensure that transportation systems proposed in the RTP avoid or mitigate significant impacts to natural lands, community open space and important farmland, including cumulative impacts and open space impacts from the growth associated with transportation projects and improvements. [5] Project sponsors should fully mitigate direct and indirect impacts to open space resulting from implementation of regionally significant projects.	
Open Space and Habitat – Community Open Space Action Plan		
OSC 8	Local governments should encourage patterns of urban development and land use, which reduce costs on infrastructure and make better use of existing facilities.	Consistent. The SDSP encourages efficient patterns of urban development and land use by clustering housing and concentrating non-residential uses.
OSC 9	Developers and local governments should increase the accessibility to natural areas lands for outdoor recreation.	Consistent. The SDSP avoids significant impacts to regionally significant open space resources.
OSC 10	Developers and local governments should promote infill development and redevelopment to revitalize existing communities.	Consistent. The project constitutes in-fill development and is not a regionally significant project.
OSC 11	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.	Consistent. The SDSP incorporates land use principles, such as green building strategies and mixed-use development, encouraging the efficient use of resources, promoting alternative modes of transportation, and facilitating energy conservation.
OSC 12	Developers and local governments should promote water-efficient land use and development.	Consistent. The proposed project complies with this policy by promoting water-efficient land use and development.
OSC 13	Developers and local governments should encourage multiple use spaces and encourage redevelopment in areas where it will provide more opportunities for recreational uses and access to natural areas close to the urban core.	Consistent. The SDSP avoids significant impacts to regionally significant open space resources. The project constitutes in-fill development and is not a regionally significant project.
Water Action Plan		
WA 11	Developers and local governments should encourage urban development and land uses to make greater use of existing and upgraded facilities prior to incurring new infrastructure costs.	Consistent. The SDSP area consists of an under-utilized property located in proximity to existing development and available infrastructure systems.
WA 12	Developers and local governments should reduce exterior uses of water in public areas, and should promote reduced use in private homes and businesses, by shifting to drought-tolerant native landscape plants (xeriscaping), using weather-based irrigation systems, educating other public agencies about water use, and installing related water pricing incentives.	Consistent. By authorizing higher density housing and common open space areas that integrate drought-tolerant landscaping, water demands will be reduced.

Table 4.1-4 (Continued)
**PROJECT CONSISTENCY WITH
SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS POLICIES
2008 REGIONAL COMPREHENSIVE PLAN**

No.	SCAG Goal, Objective, Policy, or Action	Assessment of Project Consistency/Inconsistency
WA 13	Developers and local governments should protect and preserve vital land resources – wetlands, groundwater recharge areas, woodlands, riparian corridors, and production lands. The federal government’s “no net loss” wetlands policy should be applied to all of these land resources.	Consistent. The SDSP avoids significant impacts to regionally significant open space resources.
WA 23	Local governments should encourage Low Impact Development and natural spaces that reduce, treat, infiltrate and manage runoff flows caused by storms and impervious surfaces.	Consistent. The project will incorporate appropriate Best Management Practices to reduce water quality impacts.
WA 24	Local governments should prevent development in flood hazard areas lacking appropriate protections, especially in alluvial fan areas.	Consistent. Project development plans fully consider potential flood hazards.
WA 32	Developers and local governments should pursue water management practices that avoid energy waste and create energy savings/supplies.	Consistent. The proposed project complies with this policy by promoting water-efficient land use and development. The SDSP requires the use of water-wise landscaping and the use of low-flow toilets, showerheads, and other fixtures.
Energy Action Plan		
EN 8	Developers should incorporate and local governments should include the following land use principles that use resources efficiently, eliminate pollution and significantly reduce waste into their projects, zoning codes and other implementation mechanisms: [1] Mixed-use residential and commercial development that is connected with public transportation and utilizes existing infrastructure; [2] Land use and planning strategies to increase biking and walking trips.	Consistent. The proposed project includes mixed use development.
EN 9	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.	Consistent. The SDSP incorporates land use principles, such as green building strategies and mixed-use development, encouraging the efficient use of resources, promoting alternative modes of transportation, and facilitating energy conservation.
EN 10	Developers and local governments should integrate green building measures into project design and zoning such as 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 Building Program. Energy saving measures that should be explored for new and remodeled buildings include:	Consistent. The SDSP integrates green building strategies into its proposed design.

Table 4.1-4 (Continued)
**PROJECT CONSISTENCY WITH
 SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS POLICIES
 2008 REGIONAL COMPREHENSIVE PLAN**

No.	SCAG Goal, Objective, Policy, or Action	Assessment of Project Consistency/Inconsistency
EN 10 (Cont.)	<p>[1] Using energy efficient materials in building design, construction, rehabilitation, and retrofit. [2] Encouraging new development to exceed Title 24 energy efficiency requirements. [3] Developing Cool Communities measures including tree planting and light-colored roofs. These measures focus on reducing ambient heat, which reduces energy consumption related to air conditioning and other cooling equipment. [4] Utilizing efficient commercial/residential space and water heaters: This could include the advertisement of existing and/or development of additional incentives for energy efficient appliances purchased to reduce excess energy use and save money. Federal tax incentives are provided online. [5] Encourage landscaping that requires no addition irrigation: utilizes native, drought tolerant plants can reduce water usage up to 60 percent compared to traditional lawns. [6] Encourages combined heating and cooling (CHP), also known as cogeneration, in all buildings. [7] Encourages neighborhood energy systems, which allow communities to generate their own electricity. [8] Orienting streets and buildings for best solar access. [9] Encouraging buildings to obtain at least 20% of their electric load from renewable energy.</p>	
EN 11	<p>Developers and local governments should submit projected electricity and natural gas demand calculations to the local electricity or natural gas providers, for any project anticipated to require substantial utility consumption. Any infrastructure improvements necessary for project construction should be completed according to the specifications of the energy provider.</p>	<p>Consistent. The City will require receipt of “will serve” letters from utility providers prior to the issuance of building permits.</p>
EN 12	<p>Developers and local governments should encourage that new buildings are able to incorporate solar panels in roofing and tap other renewable energy sources to offset new demand on conventional power sources.</p>	<p>Consistent. The SDSP integrates green building strategies into its proposed design.</p>
EN 14	<p>Developers and local governments should explore programs to reduce single occupancy vehicle trips such as telecommuting, ridesharing, alternative work schedules, and parking cash-outs.</p>	<p>Consistent. The SDSP incorporates land use principles, such as green building strategies and mixed-use development, encouraging the efficient use of resources, promoting alternative modes of transportation, and facilitating energy conservation.</p>
EN 105	<p>Local governments should employ land use planning measures, such as zoning, to improve jobs/housing balance and creating communities where people live closer to work, bike, walk, and take transit as a substitute for personal auto travel.</p>	<p>Consistent. The SDSP incorporates land use principles, such as green building strategies and mixed-use development, encouraging the efficient use of resources, promoting alternative modes of transportation, and facilitating energy conservation.</p>

Table 4.1-4 (Continued)
**PROJECT CONSISTENCY WITH
SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS POLICIES
2008 REGIONAL COMPREHENSIVE PLAN**

No.	SCAG Goal, Objective, Policy, or Action	Assessment of Project Consistency/Inconsistency
	Air Quality Action Plan	
AQ 7	Local governments should develop policies that discourage the location of sensitive receptors that expose humans to adverse air quality impacts such as amending general plans, zoning ordinances, business licensing, and related land use permitting processes to minimize human health impacts from exposure of sensitive receptors to local sources of air pollution. Jurisdictions should consider applicable guidance documents, such as [C]ARB's Air Quality and Land Use Handbook: A Community Health Perspective and the SCAQMD's Guidance Document for Addressing Air Quality Issues.	Consistent. Project-related air quality impacts on proximal sensitive receptors have been addressed as part of the project's CEQA documentation.
AQ 8	Local governments should practice and promote sustainable building practices by: [AQ-8.1] 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-8.2] Developing incentive programs (e.g., density bonuses) to encourage green building and resources and energy conservation in development practices. [AQ-8.3] Adopting policies that strive for carbon neutrality for their own facilities and operations.	Consistent. The SDSP incorporates land use principles, such as green building strategies and mixed-use development, encouraging the efficient use of resources, promoting alternative modes of transportation, and facilitating energy conservation.
	Solid Waste Action Plan	
SW 12	Local governments should maximize waste diversion goals and practices and look for opportunities for voluntary actions to exceed the 50% waste diversion target.	Not inconsistent. Because the City has not adopted a mandatory waste reduction ordinance, the City seeks voluntary measures by the Applicant to reduce construction wastes.
SW 14	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,	Consistent. The SDSP incorporates land use principles, such as green building strategies and mixed-use development, encouraging the efficient use of resources, promoting alternative modes of transportation, and facilitating energy conservation.

Table 4.1-4 (Continued)
**PROJECT CONSISTENCY WITH
 SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS POLICIES
 2008 REGIONAL COMPREHENSIVE PLAN**

No.	SCAG Goal, Objective, Policy, or Action	Assessment of Project Consistency/Inconsistency
SW 14 (Cont.)	(3) increased recycled content, (4) use of reclaimed building materials, and (5) use of structural materials in a dual role as finish material (e.g., stained concrete flooring, unfinished ceilings, etc.). [4] Reuse of existing building structure and shell in renovation projects. [5] Building lifetime waste reduction measures that should be explored for new and removed buildings include: [a] Development of indoor recycling program and space, [b] Design for deconstruction, [c] Design for flexibility through use of moveable walls, raised floors, modular furniture, moveable task lighting and other reusable components.	
SW 16	Developers and local governments should support environmentally friendly alternative waste management strategies such as composting, recycling, and conversion technologies.	Not inconsistent. Because the City has not adopted a mandatory waste reduction ordinance, the City seeks voluntary measures by the Applicant to reduce construction wastes.
SW 17	Developers and local governments should develop and site composting, recycling, and conversion technology facilities that are environmentally friendly and have minimum environmental and health impacts.	Not inconsistent. Because the City has not adopted a mandatory waste reduction ordinance, the City seeks voluntary measures by the Applicant to reduce construction wastes.

Source: City of Diamond Bar

The information presented in this EIR 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 proposed project or any aspect thereof, including: (1) zone change (finding of consistency with the general and specific plans); (2) subdivision (finding of consistency with the general and specific plans, findings supporting approval/denial pursuant to State and local codes); (3) specific plan adoption or amendment (finding of consistency with the general plan); (4) conditional use permit (findings supporting approval and conditions); (5) design review approval (findings supporting approval and conditions); (6) general plan amendment limiting the number of newly constructed dwellings (specific findings required by State statute); (7) approval of a housing project when density is lower than that which was allowed when application was accepted (findings required by State statute); (8) projects involving an EIR (findings of overriding consideration and significant effect)²⁸; and (9) such additional findings as may be required under the provisions of City and/or responsible agency policies and procedures.

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 project site would be anticipated to occur and no environmental impacts would result therefrom.

²⁸/ Governor's Office of Planning and Research, The Planning Commission's Book, revised May 1998.

Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required. However, although the “Site D’ Specific Plan” provides broad parameters concerning the nature of the land uses that can occur on the project site, subsequent developers may present the City with development concepts that include different housing products and densities, different commercial uses and intensities, and/or a different assemblage of those uses on the project site. Because this analysis is based on a specific set of development assumptions, recognizing that traffic impacts are often the bell-weather of other environmental considerations, a condition of approval (Condition of Approval 1-4) has been formulated requiring further traffic analysis should later development proposals exceed the assumptions outlined in the adopted specific plan.

4.1.3.4 Cumulative Impacts

***Land Use Impact 1-4.** Cumulative residential development within the City and the population increase associated with the introduction of new dwelling units could exceed the 2005-2010 population growth forecasts presented in the “Regional Transportation Plan – Destination 2030” (SCAG, 2004) and which serve as a basis for regional transportation planning.*

***Level of Significance before Mitigation.** Less-than-significant impact.*

Implementation of the proposed project in combination with those other related projects identified in Table 3-4 (Related Projects Summary) herein 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.

As indicated in the 1996 RCPG, the southern California region is continuing to undergo rapid urbanization in response to regional growth. The proposed project, in combination with other related projects, is characteristic of the development activities predicted and addressed therein. As a result, although these activities will transform the respective sites upon which those projects will occur, these activities will not result in any cumulative land-use impacts.

While the project and other related residential projects in the City represent only a small percent of the overall regional growth, anticipated residential development in the City exceeds the population growth estimates formulated by SCAG over that five-year period. SCAG’s projections are used as the basis for establishing regional transportation plans. By under-estimating interim local demands, regional plans may not be as effective in responding to areawide interim transportation needs. Although not likely to produce long-term implication, should the project move forward, the City should inform SCAG that their 2005-2010 population projections for the City should be revised upward. That notification is identified as a project condition (Condition of Approval 1-3) herein. This change would reflect short-term population projections only. No change in long-term regional planning efforts would be anticipated.

4.1.4 Project Conditions and Mitigation Measures

Project Conditions

- **Condition of Approval 1-1.** Unless effective sound mitigation can be demonstrated once the project is operational or other controls imposed on delivery and related activities, no delivery activities shall occur between the hours of 10:00 PM and 7:00 AM.

“Site D” Specific Plan

City of Diamond Bar, California

- **Condition of Approval 1-2.** The Applicant shall include as part of the real estate disclosure documentation, as required by the California Department of Real Estate for purchasers of those residential units to be constructed on the project site, the disclosure that commercial activities are proposed on the adjacent property and that the operational characteristics of those activities may include trucking, delivery, and maintenance operations by diesel-fueled and non-diesel-fueled vehicles.
- **Condition of Approval 1-3.** Following the approval of the specific plan and/or any associated amendments to the City’s General Plan, the Lead Agency shall provide notification of that action to the Southern California Association of Governments (SCAG), requesting that any subsequent amendments to SCAG’s “Regional Transportation Plan” (RTP) and other regional planning forecasts reflect a greater level of population and housing growth within the City during the 2005-2010 time period.
- **Condition of Project Approval 1-4.** Total new residential and non-residential development constructed on the project site shall not exceed 202 dwelling units and 153,985 gross leaseable square feet, respectively, unless a subsequent traffic study, addressing the traffic-related impacts associated with any such increase, is prepared by or submitted to and deemed acceptable by the City or unless such increase can be determined by the City to not result in any substantial increase in project-related traffic impacts. Should additional traffic impacts be identified, the City, at its sole discretion, may initiate additional environmental review and/or impose additional conditions or other measures in response to those impacts.

Mitigation Measures

- No mitigation measures have been identified herein.

4.1.5 Significant Unavoidable Adverse Effects

The approval, construction, operation, occupancy, use, and habitation of the proposed project and the project site will not result in any significant unavoidable adverse project-related or cumulative land-use impacts.