

agencies and other stakeholders during the public review period established by the NOC;

- (6) "Minutes of the City of Diamond Bar Neighborhood Forum of Site "D" Specific Plan Draft Environmental Impact Report, Heritage Park Community Center, 2900 S. Brea Canyon Road, Diamond Bar, August 3, 2009," as prepared by the City of Diamond Bar Community Development Department (Department);
- (7) All written and verbal public testimony presented during noticed scoping meetings and public hearings for the proposed project at which public testimony was taken;
- (8) "Mitigation Reporting and Monitoring Program" (MRMP), as presented in the DEIR and as subsequently adopted by the City Council;
- (9) All agendas, staff reports, and approved minutes of the City's Planning Commission and City Council relating to the proposed project;
- (10) All maps, exhibits, figure, and text comprising the "'Site D' Specific Plan";
- (11) Matters of common knowledge to the City including, but not limited to, federal, State, and local laws, rule, regulations, and standards;
- (12) These Findings and all documents expressly cited in these Findings; and
- (13) Such other relevant materials required to be in the record of proceedings under Section 21167.6(e) of CEQA.

#### 2.4 Custodian and Location of Records

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

The documents and other materials constituting the administrative record for the City Council's actions related to the FEIR are located at the City of Diamond Bar, Community Development Department, 21825 Copley Drive, Diamond Bar, California 91765-4178. The Community Development Director is the custodian of the administrative record for the proposed project. During the regular business hours of the City, copies of the documents constituting the FEIR's and the SDSP's record of proceedings are available upon request at the offices of the Community Development Department.

#### 3.0 GENERAL FINDINGS

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

- (1) Under CEQA, the City of Diamond Bar is the appropriate "Lead Agency" for the proposed project and during the project's CEQA proceedings no other agency asserted or contested the City's "Lead Agency" status;
- (2) As part of the CEQA process, in compliance with the provisions of Senate Bill (SB) 18 and the Governor's Office of Planning and Research's (OPR) "Supplement to General Plan Guidelines – Tribal Consultation Guidelines" (2005), the Lead Agency notified the appropriate California Native American tribe of the opportunity to conduct consultation for the purpose of preserving or mitigating impacts to cultural places, referred the proposed action to those tribes that are on the Native American Heritage Commission (NAHC) contact list that have traditional lands within the agency's jurisdiction, and send notice to tribes that have filed a written request for such notice;
- (3) In recognition of the fact that the real property examined in the FEIR includes separate properties owned by the City, the District, and the County, the Lead Agency conducted extensive consultation with those agencies, in combination with other agencies identified by the Lead Agency in the FEIR, are identified as "Responsible Agencies" under CEQA;

- (4) Copies of the Initial Study, NOP, DEIR, and NOC were provided to those Responsible Agencies identified in the FEIR and each such agency was provided a specified review period to submit comments thereupon;
- (5) In compliance with Section 21092.5(a) of CEQA, at least 10 days prior to the certification of the FEIR, the Lead Agency provided its written proposed response to those public agencies that submitted comments to the Lead Agency on the DEIR;
- (6) The FEIR and all environmental notices associated therewith were prepared in compliance with CEQA and the State CEQA Guidelines and in accordance with the City's local guidelines and procedures;
- (7) The City Council has independently reviewed and analyzed the FEIR and the FEIR reflects the independent judgment of the City Council;
- (8) A MRMP has been prepared for the proposed project, identifying those feasible mitigation measures that the City Council has adopted or will likely adopt in order to reduce the potential environmental effects of the proposed project to the maximum extent feasible;
- (9) The mitigation measures adopted or likely to be adopted by the City Council will be fully implemented in accordance with the MRMP, verification of compliance will be documented, and each measure can reasonably be expected to have the efficacy and produce the post-mitigated consequences assumed in the FEIR;
- (10) Each of the issues to be resolved, as identified in the FEIR and/or subsequently raised in comments received by the City during the deliberation of the City's advisory and decision-making bodies, have been resolved to the satisfaction of the City Council;
- (11) The potential environmental impacts of the proposed project have been analyzed to the extent feasible at the time of certification of the FEIR;
- (12) The City Council reviewed the comments received on the FEIR, including, but not limited to, those comments received following the dissemination of the DEIR and RTC, and the responses thereto and has determined that neither the comments received nor the responses thereto add significant new information under Section 15088.5 of the State CEQA Guidelines;
- (13) The City Council has not made any decisions that would constitute an irretrievable commitment of resources toward the proposed project prior to the certification of the FEIR nor has the City Council previously committed to a definite course of action with respect to the proposed project;
- (14) Copies of all the documents incorporated by reference in the FEIR are and have been available for review during the regular business hours of the City at the office of the Community Development Department from the custodian of records for such documents;
- (15) These Findings incorporate by reference such other findings as may be required under Sections 65454, 65455, 66474, 66474.4, 65853, and 65860 of the California Government Code and those corresponding finding required under the "City of Diamond Bar Municipal Code" (Municipal Code); and
- (16) Having received, reviewed, and considered all information and documents in the record, the City Council has or will impose conditions, mitigation measures, and take other reasonable actions to reduce the environmental effects of the proposed project to the maximum extent feasible and finds as stated in these Findings.

**4.0 FINDINGS REGARDING THE SIGNIFICANT OR POTENTIALLY SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROPOSED PROJECT WHICH CANNOT FEASIBLY BE MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE**

The City Council has determined that existing statutes, regulations, conditions of approval, uniform codes, project design features, and/or feasible mitigation measures included in the

FEIR and adopted by or likely to be adopted by the City Council will result in a substantial reduction of most but not all of those environmental effects identified in the FEIR. Notwithstanding the existence of those statutes and regulations and the adoption of those conditions and measures, the City Council finds that the following significant or potentially significant environmental effects will continue to exist.

#### 4.1 Air Quality

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

Findings: The City Council hereby makes Findings (1) and (2).

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

- (a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated herein by reference.
- (b) The air quality analysis was conducted in accordance with the methodology presented in the South Coast Air Quality Management District's (SCAQMD) "CEQA Air Quality Handbook" (SCAQMD, April 1993), "Localized Significance Threshold Methodology" (SCAQMD, June 2005), and updates included on the SCAQMD Internet web site. The analysis makes use of the URBEMIS2007 urban emissions model (Version 9.4.2) for the determination of daily construction and operational emissions, the United States Environmental Protection Agency's (USEPA) SCEEN3 Dispersion model for localized construction impacts, the provisions of the California Department of Transportation's (Caltrans) "Transportation Project-Level Carbon Monoxide Protocol," and CALINE4 computer model of on-road carbon monoxide (CO) dispersion modeling.
- (c) Air quality impacts will occur during site preparation and construction activities. Major sources of emissions during construction include exhaust emissions, fugitive dust generated as a result of soil and material disturbance during grading activities, and the emission of reactive organic gases (ROGs) during site paving and the painting of the structures.
- (d) The terms "reactive organic gases" (ROGs), "reactive organic compounds" (ROCs), and "volatile organic compounds" (VOCs) are used interchangeably in the DEIR.
- (e) Based on the SCAQMD's recommended threshold criteria, URBEMIS computer model results indicate that ROG emissions associated with the application of paints and coatings could result in a potentially significant short-term air quality impact. Because the construction phase could create ROG emissions in excess of the SCAQMD's recommended significance threshold, the Lead Agency has formulated a number of mitigation measures (Mitigation Measures 7-1 and 7-2) to reduce that impact to the extent feasible.
- (f) In addition to those mitigation measures identified by the Lead Agency, all projects constructed in the South Coast Air Basin (SCAB) are subject to standard conditions and uniform codes. Compliance with these provisions is mandatory and, as such, does not constitute mitigation under CEQA. Those conditions mandated by the SCAQMD include, but are not limited to, the following: (1) Rule 403 requires the use of Best Available Control Technologies (BACT) during construction and sets requirements for dust control associated with construction

activities; (2) Rules 431.1 and 431.2 require the use of low sulfur fuel for stationary construction equipment; (3) Rule 1108 sets limitations on ROG content in asphalt; and (4) Rule 1113 sets limitations on ROG content in architectural coatings.

- (g) Notwithstanding the implementation of the recommended mitigation measures and the project's adherence to applicable standard conditions, uniform codes, and SCAQMD rules and regulations, other than through a substantial reduction in the size of the proposed project and/or reduction in the daily concentration of asphalt and architectural coatings applied, projected construction-term ROG emissions would remain at levels in excess of the SCAQMD's recommended threshold criteria.

4.1.2 Environmental Effect: Operation of the proposed project has the potential to violate or add to a violation of air quality standards (Air Quality Impact 7.3).

Findings: The City Council hereby makes Findings (1) and (2).

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

- (a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated herein by reference.
- (b) The major source of long-term air quality impacts is that associated with the emissions produced from project-generated vehicle trips. With regards to mobile source emissions, based on the findings of the traffic analysis, the proposed project is estimated to produce 9,276 average daily vehicle trips (ADT).
- (c) Emissions associated with project-related trips are based on the URBEMIS2007 computer model and assumed site occupancy in 2009. Since emissions per vehicle are reduced annually due to tightening emissions restrictions and replacement of older vehicles, the use of 2009 emission factors presents a worst-case analysis with regards to operational air quality impacts.
- (d) Operational ROG, nitrogen oxides (NO<sub>x</sub>), and carbon monoxide (CO) emissions are projected to exceed the SCAQMD recommended threshold of significance values and the impact is potentially significant. Because project occupancy is projected to create ROG, NO<sub>x</sub>, and CO emissions in excess of the SCAQMD suggested daily criteria, the Lead Agency has formulated a number of mitigation measures (Mitigation Measures 7-3 through 7-7) to reduce that impact to the extent as feasible.
- (e) Implementation of those measures would not be expected to reduce ROG, NO<sub>x</sub>, and CO emission levels to a less-than-significant level. There are no reasonably available mitigation measures than can reduce projected operational ROG, NO<sub>x</sub>, and CO emissions to less-than-significant levels.

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

Findings: The City Council hereby makes Findings (1) and (2).

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

- (a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated herein by reference.
- (b) Since ROG emissions associated with the application of asphalt, paints, and coatings and ROG, NO<sub>x</sub>, and CO mobile source emissions are expected to remain significant, the project will add incrementally to the cumulative air quality impact produced by other related projects.
- (c) ROG and NO<sub>x</sub> are criteria pollutant precursors and go on to form secondary criteria pollutants through chemical and photochemical reaction in the atmosphere.
- (d) The SCAB is classified by the State as "extreme non-attainment" for ozone. Ozone is one of a number of substances (photochemical oxidants) that are formed when ROCs and NO<sub>x</sub> react with sunlight.
- (e) Mitigation for the cumulative impact is as specified for construction and operational impacts. However, even with the adoption of the recommended measures, air quality impacts will remain cumulatively significant. No mitigation measures, formulated specifically to address the project's potential incremental contribution to cumulative air quality impacts, are deemed to be reasonably feasible.

## 5.0 FINDINGS REGARDING THE SIGNIFICANT OR POTENTIALLY SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROPOSED PROJECT WHICH CAN FEASIBLY BE MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE

The City Council has determined that existing statutes, regulations, standard conditions, uniform codes, project design features, in combination with those conditions of approval and feasible mitigation measures included in the FEIR and adopted by or likely to be adopted by the City Council, will result in a substantial reduction of the following environmental effects and that each of the following environmental effects will either occur at or can be effectively reduced to below a level of significance.

### 5.1 Land Use

- 5.1.1 Environmental Effect: New residential and recreational land uses could introduce land use compatibility issues between the proposed uses and those existing and reasonably foreseeable future land uses that now and which may exist in close proximity to those uses (Land Use Impact 1-1).

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the FEIR and that analysis is incorporated by reference herein.
- (b) Although no commercial site plan has been presented for the Lead Agency's consideration, once development plans are formulated, those plans are subject to the City's development review process and must conform to applicable property development and use standards.
- (c) Chapter 22.48 (Development Review) in Title 22 (Development Code) of the Municipal Code establishes procedures for reviewing residential, commercial industrial, and institutional development to facilitate review in a timely and

efficient manner, and to ensure that development projects comply with all applicable design guidelines, standards, and minimize adverse effects on surrounding properties and the environment. Section 22.16.080 (Screening and Buffering) in Chapter 22.6 (General Property Development and Use Standards) therein 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.

- (d) Single-family attached and/or multi-family residential development is proposed adjacent and in close proximity to existing single-family detached residential areas located to the north, south, and east of the project site. Although residential densities 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.
- (e) The proposed residential, recreational, and open spaces uses are compatible with existing and proposed development within the general project area.
- (f) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of standard conditions of approval (Conditions of Approval 1-1 and 1-2) designed to promote land-use consistency and compatibility.
- (g) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

5.1.2 Environmental Effect: 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 (Land Use Impact 1-2).

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the FEIR and that analysis is incorporated by reference herein.
- (b) The proposed project is generally consistent with the policies of the "City of Diamond Bar General Plan" (General Plan).
- (c) In addition to General Plan consistency, the project is subject to compliance with applicable provisions of the Municipal Code, including those contained in Chapter 22.22 (Hillside Management) of the Development Code. In accordance with the provisions of Section 22.22.040 (Density) in Title 22 (Development Code) of the Municipal Code, a total of 524 dwelling units could be developed on the site, which is substantially greater than the 202 dwelling units proposed.
- (d) Although a General Plan amendment (GPA) and/or zone change (ZC) would be required to accommodate the proposed residential use, the proposed densities are allowable in the City. Subject to a GPA and/or ZC, the residential portion of the project would be deemed consistent with the "City of Diamond Bar General Plan" (General Plan).
- (e) Based on existing zoning and assuming a lot-line adjustment to better equate the existing zoning with the site's development potential, as specified in Section 22.10.020 (Purpose of Commercial/Industrial Zoning Districts) in Chapter 22.10 (Commercial/Industrial Zoning Districts) in Title 22 (Development Code) of the Municipal Code, the allowable floor-area-ratio (FAR) for non-residential development in the "Neighborhood Commercial (C-1)" 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.

- (f) The proposed project is generally consistent with the applicable core policies of the Southern California Association of Government's (SCAG) 2008 "Regional Comprehensive Plan – Helping Communities Achieve a Sustainable Future" (2008 RCP).
- (g) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 1-3) designed to provide notification to SCAG of projected growth within the City, so as to allow SCAG to more effectively update regional plans.
- (h) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

5.1.3 Environmental Effect: 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 (Land Use Impact 1-3).

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the FEIR and that analysis is incorporated by reference herein.
- (b) A specific plan is a regulatory tool, authorized under the provisions of Sections 65450-65457 of the CGC, which is intended to guide the development of a localized area and serve as a tool for the systematic implementation of the general plan. A specific plan document establishes a link between the implementing policies contained in an agency's general plan and the individual development proposal in a defined area. No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the agency's general plan. No public works project, no tentative map, and no zoning ordinance may be approved, adopted, or amended within the area covered by a specific plan unless consistent with the adopted specific plan.
- (c) As indicated in Section 66474, a legislative body of a city or county shall deny approval of a subdivision map if finds that: (a) the proposed map is not consistent with applicable general and specific plans; (b) the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans; (c) the site is not physically suitable for the type of development; (d) the site is not physically suitable for the proposed density of development; (e) the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; (f) the design of the subdivision or type of improvements is likely to cause serious public health problems; and/or (g) the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at

large, for access through or use of, property within the proposed subdivision. Section 66473.5 restricts local agencies from approving a final subdivision map for any land use project unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan or any specific plan. A proposed subdivision shall be consistent with a general plan or a specific plan only if the local agency has officially adopted such a plan and the proposed subdivision or land use is compatible with the objectives, policies, general land uses, and programs specified therein.

- (d) Pursuant to the General Plan, it is the policy of the City to "[e]ncourage the innovative use of land resources and development of a variety of housing and other development types, provide a means to coordinate the public and private provisions of services and facilities, and address the unique needs of certain lands by recognizing Specific Plan (SP) overlay designations: (a) for large scale development areas in which residential, commercial, recreational, public facilities, and other land uses may be permitted; and (b) large acreage property(ies) in excess of ten acres that are proposed to be annexed into the City" (Strategy 1.1.9, Land Use Element).
- (e) The information presented in the FEIR may be used, in whole or in part, by the City and by other responsible agencies to support specific findings as mandated by State law and by agency requirements and procedures, both as may be required under CEQA and as may be required in support of other actions that may be taken by the City and by other agencies with regards to the proposed project or any aspect thereof. In the event that the City and/or other responsible agencies are unable to make requisite findings, those discretionary approvals associated with those findings cannot be issued. In the absence of the issuance of requisite permits and approvals, no physical changes to the project site would be anticipated to occur and no environmental impacts would result therefrom.
- (f) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 1-4) designed to ensure an appropriate nexus between the project's environmental review and any resulting land-use entitlements.
- (g) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

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

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the FEIR and that analysis is incorporated by reference herein.
- (b) Implementation of the proposed project in combination with those other related projects will result in the further urbanization of the general project area, including the conversion of vacant or under-developed properties to higher-intensity uses.

None of the land uses that are identified, however, constitute uses or activities that are not currently present within the City or the region.

- (c) Anticipated residential development in the City exceeds the population growth estimates formulated by SCAG. SCAG's projections are used as the basis for establishing regional transportation plans. By under-estimating interim local demands, regional plans may not be as effective in responding to areawide interim transportation needs.
- (d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 1-3) designed to apprise SCAG of projected growth within the City, so as to allow SCAG to more effectively update regional plans.
- (e) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

## 5.2 Population and Housing

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

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative population and housing impacts are addressed in Section 4.2 (Population and Housing) in the FEIR and that analysis is incorporated by reference herein.
- (b) During construction, an estimated 73 workers would be associated with the project's 202 multi-family housing units and an additional estimated 49 workers would be associated with the project's 153,985 square feet of commercial use.
- (c) The workforce required for the project's construction, operation, and maintenance can be reasonably drawn from the available regional labor pool.
- (d) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

- 5.2.2 Environmental Effect: 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) (Population and Housing Impact 2-2).

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative population and housing impacts are addressed in Section 4.2 (Population and Housing) in the FEIR and that analysis is incorporated by reference herein.

- (b) As indicated in California Department of Finance estimates, in January 2008, the City's population was estimated to be 60,360 individuals. The total number of dwelling units was estimated to be 18,380 units.
- (c) Total number of dwelling units now proposed (202 units) is less than the adopted SCAG 2006-2014 RHNA for new construction for "above moderate" income households (440 units) and only slightly more than SCAG's identified new construction need for "moderate" income households (188 units). The project represents about 18.5 percent of the projected housing needs for the period 2006-2014. Since the projected increase appears generally consistent with regional projections, the project will further the attainment of SCAG's regional housing needs assessment.
- (d) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

5.2.3 Environmental Effect: Project implementation will result in the construction of 153,985 square feet of commercial use, directly creating about 462 new permanent jobs (Population and Housing Impact 2-3).

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative population and housing impacts are addressed in Section 4.2 (Population and Housing) in the FEIR and that analysis is incorporated by reference herein.
- (b) Based on the projected number of direct new jobs (462 jobs) and the number of housing units associated with the proposed project (202 dwelling units), the project's projected on-site jobs-to-housing ratio is about 2.3, indicating the project is "jobs rich." The relatively small number of jobs and housing units, however, is not significant in the broader regional context.
- (c) The inclusion of both residential and commercial uses on the same site serve to further attainment of the primary intent of jobs-housing balance, namely the reduction of vehicle miles traveled (VMT) and the corresponding air quality benefits.
- (c) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

5.2.4 Environmental Effect: Absent a corresponding and proportional increase in long-term employment opportunities, projects that increase the City's housing stock would contribute to the perpetuation of the existing Citywide jobs-housing imbalance (Population and Housing Impact 2-4).

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative population and housing impacts are addressed in Section 4.2 (Population and Housing) in the FEIR and that analysis is incorporated by reference herein.

- (b) Between 2010 and 2030, the jobs-housing ratio for the City will decrease from only 0.86 to 0.82. As a result, the City will remain "housing rich" and "jobs poor."
- (c) Based on the projected number of direct new jobs attributable to the proposed project (462 jobs) and the number of housing units (202 units), the project's projected on-site jobs-to-housing ratio is about 2.3 and the proposed project would be categorized as being "jobs rich." As a result, the proposed project promotes the attainment of SCAG's jobs-housing policies and would not incrementally contribute to the existing imbalance.
- (d) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

### 5.3 Geotechnical Hazards

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

Finding: The City Council hereby makes Finding (1).

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

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

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

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative geotechnical hazards impacts are addressed in Section 4.3 (Geotechnical Hazards) in the FEIR and that analysis is incorporated by reference herein.
- (b) Information and analysis concerning the existing geologic, geotechnical, seismic, and soils setting, including specific design and development recommendations formulated in response thereto, are presented in "Preliminary Geotechnical Engineering Report: Site D-Mass Grading, Walnut Valley Unified School District, Diamond Bar, California" (KFM GeoScience, January 15 2008).
- (c) The proposed project is feasible from a geotechnical perspective, provided that the recommendations presented in the project's geotechnical investigations are incorporated into the project's design and construction. Since the Applicant has committed to the incorporation of those recommendations, they are part of the proposed project and the project's design, construction, and operation will occur in conformity and compliance therewith.
- (d) Design and development activities will occur in conformance with applicable UBC and CBCS standards and requirements.
- (e) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 1-3) to ensure that each of the recommendations presented in the geotechnical investigation are incorporated into the design, development, and operation of the proposed project.
- (f) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

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

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative geotechnical hazards impacts are addressed in Section 4.3 (Geotechnical Hazards) in the FEIR and that analysis is incorporated by reference herein.
- (b) Adequate control measures have been formulated to ensure that all public and private structures are constructed and maintained in recognition of site-specific, area-specific, and regional geologic, geotechnical, seismic, and soils conditions.
- (c) Compliance with applicable UBC and CSBC standards and associated permit-

agency requirements will mitigate any potential cumulative impacts to below a level of significance.

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

## 5.4 Hydrology and Water Quality

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

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative hydrology and water quality impacts are addressed in Section 4.4 (Hydrology and Water Quality) in the FEIR and that analysis is incorporated by reference herein.
- (b) Information and analysis concerning the existing hydrologic and water quality setting, including specific design and development recommendations formulated in response thereto, are presented in "Preliminary Drainage Report for Site 'D' Improvements at Intersection of Diamond Bar Boulevard and Brea Canyon Road, Diamond Bar, California" (PENCO Engineering, Inc., February 7, 2008, revised April 6, 2009).
- (c) Water quality protection is ensured through preparation and implementation of the stormwater pollution prevention plan (SWPPP), as required under the State Water Resources Control Board's (SWRCB) National Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction Activity (Construction General Permit), through Best Management Practices (BMPs) designed to ensure that grading and construction operations involving the transport, storage, use, and disposal of a variety of construction materials complies with certain storage, handling, and transport requirements.
- (c) Pursuant to the Regional Water Quality Control Board, Los Angeles Region's (LARWQCB) fourth-term General National Pollutant Discharge Elimination System (NPDES) permit (NPDES No. CAS004001) for discharges to the municipal separate storm sewer system (MS4) in County, a standard urban stormwater mitigation plan (SUSMP) shall be required, including appropriate BMPs and guidelines to reduce pollutants in storm water to the maximum extent possible (MEP).
- (d) The Construction General Permit and compliance with SWPPP and MS4 permit requirements constitute mandatory project measures. Compliance ensures that project-induced water-borne erosion does not significantly impact downstream drainage systems.
- (e) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 4-2) requiring the City Engineer's approval of a SUSMP conforming to the requirements of Section 8.12.1695 of the Municipal Code.

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

5.4.2 Environmental Effect: Project implementation will result in the introduction of impervious surfaces onto the project site and, as a result of the impedence 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 tract map area (Hydrology and Water Quality Impact 4-2).

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative hydrology and water quality impacts are addressed in Section 4.4 (Hydrology and Water Quality) in the FEIR and that analysis is incorporated by reference herein.
- (b) According to the recorded plans for the Brea Canyon Storm Drain Channel (Private Drain No. 395), a 25-year discharge of 2,285 cubic feet per second (cfs) is shown at the downstream side of the Diamond Bar Boulevard culvert. The Los Angeles County Department of Public Works (LACDPW) stipulated that the existing County-operated and maintained drainage system accommodate a 50-year storm event of 2,602 cfs.
- (c) A 50-year storm creates approximately 68.38 cfs of runoff from the western portion of the project site and an existing 33-inch diameter reinforced concrete pipe located to the south of the project site currently carries off-site discharge of 83.94 cfs. When combined with existing off-site discharge, the 50-year storm runoff totals 174.80 cfs at the Brea Canyon Storm Drain Channel. The summation of 50-year flows ( $2,602 + 174.80 = 2,776.8$ ) from the project site and from the channel total approximately 2,777 cfs at this reach.
- (d) Drainage improvements are proposed to accommodate projected flows. As proposed, at this reach, the existing Brea Canyon Channel will be replaced with reinforced concrete box (RCB). An existing tributary open channel east of the project site will be replaced with RCB, as well as the proposed entrance to the site. To convey the 50-year discharge, the proposed channel section will be double cells 9-foot-wide by 8-foot-high RCB with an average 20 feet of cover. Approximately 50 feet of transition box will be constructed from the proposed RCB section to the existing culvert section under Diamond Bar Boulevard. A transition structure downstream of the proposed RCB will be construed to join the existing trapezoidal channel.
- (e) The Lead Agency has identified a standard condition of approval (Condition of Approval 4-1) requiring receipt of all requisite permits and approvals from the LACDPW allowing for the overbuilding of the Brea Canyon Storm Drain Channel.
- (f) To ensure that drainage improvements are consistent with applicable design and development standards and that post-project drainage flows do not result in any adverse public safety or other impacts, a mitigation measure (Condition of Approval 4-1) has been included in the FEIR and adopted or likely to be adopted in the MRMP specifying that all drainage facilities and improvements are subject to final design and engineering review and approval by the City Engineer and, for those storm drain facilities under County jurisdiction, by the LACDPW.

Implementation of that measure will reduce identified impacts to below a level of significance.

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

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative hydrology and water quality impacts are addressed in Section 4.4 (Hydrology and Water Quality) in the FEIR and that analysis is incorporated by reference herein.
- (b) Conversion of the project site to a mixed-use development will generate additional urban runoff that would be discharged into Diamond Bar Creek. Project-generated runoff could contribute to potentially significant cumulative water quality impacts generated by existing and future land uses within the tributary watershed area.
- (c) The proposed project and other related projects will be required to implement BMPs and fully comply with all applicable State water quality laws and regulations.
- (d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of standard conditions of approval (Conditions of Approval 4-1 and 4-2) requiring receipt of all requisite permits and approvals from the LACDPW allowing for the overbuilding of the Brea Canyon Storm Drain Channel and the City Engineer's approval of a SUSMP conforming to the requirements of Section 8.12.1695 of the Municipal Code.
- (e) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

## 5.5 Biological Resources

- 5.5.1 Environmental Effect: 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 (Biological Resources Impact 5-1).

Findings: The City Council hereby makes Findings (1) and (2).

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

- (a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.
- (b) Information and analysis concerning the existing biological resource, arboreal, and jurisdictional setting, including an assessment of project-related impacts, are

presented in the following studies: (1) "Biological Resources Assessment – Site D, City of Diamond Bar, Los Angeles County, California" (PCR Services Corporation, June 24, 2008); (2) "Tree Survey Report – Site D, City of Diamond Bar, Los Angeles County, California" (PCR Services Corporation, December 18, 2007); (3) "Results of Sensitive Plant Surveys Conducted for the Site D Project Site, City of Diamond Bar, Los Angeles County, California" (PCR Services Corporation, December 18, 2007); and (4) "Investigation of Jurisdictional Wetlands and Waters of the U.S., Site D, City of Diamond Bar, Los Angeles County, California" (PCR Services Corporation, June 24, 2008).

- (c) During grading operations, impacts will occur to approximately 20.4 acre of disturbed/ruderal, 3.6 acre of eucalyptus stand/disturbed, 2.8 acres of mule fat scrub, 2.1 acres of California walnut woodlands, 0.9 acre of ruderal/goldenbush scrub, and 0.3 acres of southern willow scrub. With the exception of southern willow scrub, none of these plant communities are considered rare or of high priority for inventory by the California Natural Diversity Database (CNDDDB).
- (d) Rare natural communities are those communities that are of highly limited distribution. The most current version of the California Department of Fish and Game's "The Vegetation Classification and Mapping Program – List of California Terrestrial Natural Communities Recognized by the California Natural Diversity Database" (CDFG, 2003) serves as a guide to each community's status.
- (e) California walnut woodlands and southern willow scrub are considered high-priority for inventory under the CNDDDB because they are experiencing decline throughout its range. These habitats are marginal in its value because they are fragmented (i.e., not contiguous with similar habitats) and not expected to support sensitive species. Focused sensitive plant surveys were negative and habitat assessments for sensitive wildlife species (e.g., the least Bell's vireo and southwestern willow flycatcher) determined that these habitats are not suitable to support these species.
- (f) Although California walnut woodlands and southern willow scrub are associated with United States Army Corps of Engineers (ACOE), Regional Water Quality Control Board (RWQCB), the loss, removal, and destruction of these plant communities on the project site would neither eliminate nor substantially diminish the functions and values of the on-site drainages as a regional biological resource.
- (g) The project would cause the direct mortality of some common wildlife species and the displacement of more mobile species to suitable habitat areas nearby. These impacts, by themselves, would not be expected to reduce general wildlife populations below self-sustaining levels within the region.
- (h) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

5.5.2 Environmental Effect: 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 (Biological Resources Impact 5-2).

Findings: The City Council hereby makes Findings (1) and (2).

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

- (a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.
- (b) Project implementation will result in direct impacts to approximately 2,125 linear feet of streambed. A total of approximately 0.20 acre of ACOE/RWQCB jurisdictional waters of the United States (WoUS) and approximately 4.10 acres of CDFG jurisdictional streambed and associated riparian habitat would be impacted by the proposed development. No direct impacts to jurisdictional waters are anticipated beyond the project boundaries.
- (c) The project will require a nationwide Section 404 (CWA) permit from the ACOE, a Section 401 (CWA) water quality certification from the RWQCB, and a Section 1602 (CFGC) streambed alteration agreement from the CDFG. Impacts to jurisdictional features will be subject to the regulations set forth by the ACOE, RWQCB, and CDFG and will require mitigation or result in the imposition of other conditions for the identified impacts to jurisdictional waters.
- (d) In recognition of the presence of jurisdictional waters, a mitigation measure (Mitigation Measure 5-1) has been included in the FEIR and adopted or likely to be adopted in the MRMP specifying that, unless a greater ratio is required by permitting agencies: (1) the on-site and/or off-site replacement of ACOE/RWQCB jurisdictional waters and wetlands occur at a 2:1 ratio; (2) the on-site and/or off-site replacement of CDFG jurisdictional streambed and associated riparian habitat occur at a 2:1 ratio; and (3) the incorporation of design features into the proposed project's design and development. Implementation of that measure will reduce identified impacts to below a level of significance.

5.5.3 Environmental Effect: 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 (Biological Resources Impact 5-3).

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.
- (b) A total of 75 California black walnut, six willow, and two coast live oak trees will be impacted by the proposed project. Each of these species is protected trees under Chapter 22.38 of the Municipal Code. The Oaks and Willows, however, do not meet the size criteria in the tree ordinance to be classified as protected trees. As required therein, the City may require a tree maintenance agreement prior to removal of any protected tree or commencement of construction activities that may adversely affect the health and survival of trees to be preserved.
- (c) The project is subject to compliance with the provision of Chapter 22.38 (Tree Preservation and Protection) of the Municipal Code.
- (d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of standard conditions of approval (Conditions of Approval 5-

2 through 5-4) requiring the preparation of an arborist-prepared tree study and specified replacement requirements for qualifying trees and California walnut woodlands, and promoting vegetation removal activities outside the nesting bird season.

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

5.5.4 Environmental Effect: 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 (Biological Resources Impact 5-4).

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.
- (b) One sensitive bird species (Cooper's hawk) was observed within the project area and three additional species (white-tailed kite, sharp-shinned hawk, and loggerhead shrike) have the potential to occur within the study area due to the presence of suitable habitat. Since these species are not protected by federal or State listings as threatened or endangered and since the loss of individuals would not threaten the regional populations.
- (c) Based on the presence of suitable vegetation, the removal of vegetation during the breeding season (typically extending between February 15 and August 15) could constitute a potentially significant impact.
- (d) Disturbing or destroying active nests is a violation of the federal Migratory Bird Treaty Act and nests and eggs are protected under Section 3503 and 3513 of the California Fish and Game Code.
- (e) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 5-4) promoting vegetation removal activities outside the nesting bird season.
- (f) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

5.5.5 Environmental Effect: Project implementation has the potential to impede existing wildlife movement patterns across the project site (Biological Resources Impact 5-5).

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.
- (b) The project site is located to the north of the area identified by the Conservation Biological Institute as part of the "Puente-Chino Hills wildlife corridor."

- (c) Although wildlife movement corridors exist in the general project area, the project site does not serve any connectivity or linkage role with regards to regional wildlife movement.
- (d) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

5.5.6 Environmental Effect: 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 (Biological Resources Impact 5-6).

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.
- (b) Urban stormwater runoff regulations now mandate the construction and maintenance of structural BMPs for both volume reduction and pollution management. Those BMPs can create additional sources of standing water and sources for mosquito propagation.
- (c) In the general project area, vector control is performed by the Greater Los Angeles County Vector Control District (GLACVCD), a County special district funded by ad valorem property and benefit assessment taxes.
- (d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 5-5) requiring that 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.
- (e) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

5.5.7 Environmental Effect: 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 (Biological Resources Impact 5-7).

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.
- (b) Implementation of the proposed project and other reasonably foreseeable future projects will contribute incrementally to the continuing urbanization of the region.
- (c) The proposed project will impact approximately 2.1 acres of California walnut woodland and 0.3 acres of southern willow scrub habitat. As a result, the project

- will add incrementally to the regional loss of plant communities considered high-priority for inventory under the CNDDDB.
- (d) Although California walnut woodlands and southern willow scrub are considered high-priority for inventory under the CNDDDB, these on-site habitats are marginal in its value because they are fragmented and not expected to support sensitive species. As a result, the incremental reduction in these habitats would not be cumulatively significant.
  - (e) Under Section 22.38.030 of the Municipal Code, protected trees, including "native oak, walnut, sycamore and willow trees with a DBH [diameter at breast height] of eight inches or greater" shall be replaced at a minimum ratio of 3:1.
  - (f) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

## 5.6 Traffic and Circulation

- 5.6.1 Environmental Effect: 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 (Traffic and Circulation Impact 6-1).

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative traffic and circulation impacts are addressed in Section 4.6 (Traffic and Circulation) in the FEIR and that analysis is incorporated by reference herein.
- (b) Information and analysis concerning the existing traffic and circulation setting, including an assessment of project-related impacts, is presented in "Traffic Impact Analysis Report, WVUSD Site D Mixed-Use Development, Diamond Bar, California" (Linscott, Law & Greenspan Engineers, April 23, 2009).
- (c) Construction traffic, including vehicles associated with the transport of heavy equipment and building materials to and from the project site and construction workers commuting to and from work, will increase traffic volumes along Diamond Bar Boulevard and Brea Canyon Road and, because site access can be obtained from Castle Rock Road and Pasado Drive, construction workers may elect to park along and construction vehicles could stage at those roadways.
- (d) Existing (2007) daily traffic volumes along project area roadway segments include: (1) Brea Canyon Road (north of Diamond Bar Boulevard) – 4,896 average daily trips (ADT); (2) Brea Canyon Road (south of Diamond Bar Boulevard) – 12,696 ADT; (3) Diamond Bar Boulevard (north of Cherrydale Drive) – 20,512 ADT; and, (4) Brea Canyon Cutoff (west of Fallow Field-Diamond Canyon) – 11,003 ADT. Since the projected 854 construction trips would be substantially less than those existing capacity figures and would primarily occur during off-peak periods, construction-related traffic would not adversely affect the existing levels of service (LOS) along those roadways.
- (e) Compliance with and enforcement of speed laws and other provisions of the California Vehicle Code (CVC) and the safe use and operation of vehicles by their drivers would be expected to keep public safety issues at a less-than-significant level.

- (f) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of standard conditions of approval (Condition of Approvals 6-1 through 6-4) requiring the preparation of a construction workers' parking and equipment staging plan, construction traffic mitigation plan, and traffic control plan, and restricting construction-term access from and along Castle Rock Road and Pasado Drive.
- (g) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

5.6.2 Environmental Effect: 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 (Traffic and Circulation Impact 6-2).

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative traffic and circulation impacts are addressed in Section 4.6 (Traffic and Circulation) in the FEIR and that analysis is incorporated by reference herein.
- (b) The project's traffic impact analysis was conducted in accordance with the City's "Guidelines for the Preparation of Traffic Impact Analysis Report" and, for each of the 20 study area intersections, included an assessment of the following nine scenarios were examined: (1) 2007 existing traffic conditions; (2) 2007 existing-plus-project traffic conditions; (3) 2007 existing-plus-project traffic conditions, with Improvements; (4) 2010 cumulative-base conditions (existing, ambient growth, and related projects); (5) 2010 cumulative-base-plus project traffic conditions; (6) 2010 cumulative-base-plus project conditions, with Improvements; (7) 2030 cumulative-base conditions (existing, ambient growth, and related projects); (8) 2030 cumulative-base-plus-project traffic conditions; (9) 2030 cumulative-base-plus-project traffic conditions, with Improvements.
- (c) In accordance with City traffic impact analysis (TIA) requirements, the project's construction of or payment of a "fair share" contribution toward the construction costs of identified areawide street improvements serves to fully and effectively reduce the project's traffic and circulation impacts to a less-than-significant level.
- (c) Prior to implementation of any recommended traffic improvements, on a cumulative-plus-project bases, traffic associated with the proposed project will significantly impact nine intersections in the long-term (2030) and contribute to the adverse service levels at three additional intersections forecast to operate at an unsatisfactory LOS in 2030. Those locations projected to operate at an adverse service level in 2030 include: (1) Brea Canyon Road (W) at Pathfinder Road; (2) Diamond Bar Boulevard at Pathfinder Road; (3) Brea Canyon Road at Cold Springs Lane; (4) Cold Springs Lane at Diamond Bar Boulevard; (5) Pathfinder Road at Brea Canyon Cutoff; (6) SR-57 SB Ramps at Brea Canyon Cutoff; (7) SR-57 NB Ramps at Brea Canyon Cutoff; (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.

- (d) Since twelve intersections which are forecast to operate at a poor level of service (LOS) under 2030 cumulative-plus-project traffic conditions, a number of mitigation measures (Mitigation Measures 6-1 and 6-2) have been included in the FEIR and adopted or likely to be adopted in the MRMP identifying associated street improvements and the proposed project's obligations toward those improvements and specifying that 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 for the purpose of ensuring the safe and efficient movement of project-related traffic. Implementation of the recommended improvements and "fair-share" contribution will reduce identified traffic and circulation impacts to below a level of significance.

5.6.3 Environmental Effect: 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 (Traffic and Circulation Impact 6-3).

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative traffic and circulation impacts are addressed in Section 4.6 (Traffic and Circulation) in the FEIR and that analysis is incorporated by reference herein.
- (b) Prior to implementation of any recommended traffic improvements, the following twelve intersections are projected to operate at an adverse LOS in 2030: (1) Brea Canyon Road (W) at Pathfinder Road; (2) Diamond Bar Boulevard at Pathfinder Road; (3) Brea Canyon Road at Cold Springs Lane; (4) Cold Springs Lane at Diamond Bar Boulevard; (5) Pathfinder Road at Brea Canyon Cutoff; (6) SR-57 SB Ramps at Brea Canyon Cutoff; (7) SR-57 NB Ramps at Brea Canyon Cutoff; (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; (12) Colima Road at Brea Canyon Cutoff.
- (c) Since twelve intersections which are forecast to operate at a poor level of service (LOS) under 2030 cumulative-plus-project traffic conditions, a number of mitigation measures (Mitigation Measures 6-1 and 6-2) have been included in the FEIR and adopted or likely to be adopted in the MRMP identifying associated street improvements and the proposed project's obligations toward those improvements and specifying that 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 for the purpose of ensuring the safe and efficient movement of project-related traffic. Implementation of the recommended improvements and "fair-share" contribution will reduce identified traffic and circulation impacts to below a level of significance.

## 5.7 Air Quality

- 5.7.1 Environmental Effect: 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 (Air Quality Impact 7-1).

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated by reference herein.
- (b) CEQA requires that projects be consistent with the "Air Quality Management Plan" (AQMP). A consistency determination plays an essential role in local agency project review by linking local planning and unique individual projects to the AQMP in the following ways: (1) it fulfills the CEQA goal of fully informing local agency decision-makers of the environmental costs of the project under consideration at a stage early enough to ensure that air quality concerns are fully addressed; and (2) it provides the local agency with ongoing information assuring local decision-makers that they are making real contributions to clean air goals contained in the AQMP.
- (c) Only new or amended general plan elements, specific plans, and regionally significant projects need to undergo a consistency review. This is because the AQMP strategy is based on projections from local general plans. Projects that are consistent with the local general plan are, therefore, considered consistent with the air quality management plan.
- (d) As indicated in the analysis presented in the FEIR, the proposed project is consistent with the goals of 2007 AQMP and, in that respect, does not present a significant air quality impact.
- (e) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

- 5.7.2 Environmental Effect: The proposed project has the potential to expose sensitive receptors to substantial pollutant concentrations (Air Quality Impact 7-4).

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated by reference herein.
- (b) All construction emissions concentrations for carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), particulate matter less than 10 microns (PM<sub>10</sub>), and particulate matter less than 2.5 microns (PM<sub>2.5</sub>) are within their respective threshold values and are, therefore, less than significant.
- (c) Based on a CO micro-scale hot-spot analysis, predicted CO values are below the State's 1-and 8-hour standards and any potential impact is less than significant.
- (c) Mandatory adherence to the SCAQMD rules would ensure that any construction or operational impact from toxic air contaminants (TAC) associated with the operation of the project remains less than significant.

- (d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 7-1) requiring that future residential purchasers be notified of the presence or potential presence of proximal commercial uses on the subject property.
- (e) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

5.7.3 Environmental Effect: The proposed project has the potential to create objectionable odors (Air Quality Impact 7-5).

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated by reference herein.
- (b) Project construction would involve the use of heavy equipment creating exhaust pollutants from on-site earth movement and from equipment transporting materials to and from the site. In addition, some odors would be produced from the application of asphalt, paints, and coatings. With regards to nuisance odors, any air quality impacts will be confined to the immediate vicinity of the odor source and would be of short-term duration. Such brief exposure to nuisance odors constitutes an adverse but less-than-significant air quality impact.
- (c) Operational odors could be produced from on-site food preparation and from diesel-fueled vehicles operating on the project site. These odors are common in the environment and subject to compliance with SCAQMD Rule 402 (Nuisance).
- (d) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

5.7.4 Environmental Effect: The construction and operation of the proposed project will contribute to the generation of greenhouse gas (GHG) emissions. GHG have been linked to climate change (Air Quality Impact 7-7).

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated by reference herein.
- (b) At this time, greenhouse gases (primarily CO<sub>2</sub>) are not regulated as a criteria pollutant and there are no significance criteria for these emissions. The current AQMP does not set CEQA targets that can be used to determine any potential threshold values.
- (c) Carbon dioxide (CO<sub>2</sub>) is the most common greenhouse gas. Construction activities would consume fuel and result in the generation of GHG emissions. Construction CO<sub>2</sub> emissions were projected using the URBEMIS2007 computer model. In accordance with the projected URBEMIS construction schedule, approximately 1,347,095.44 pounds (673.55 tons) of CO<sub>2</sub> would be produced over the approximate 299 days of active construction.

- (d) In the case of site operations, the majority of GHG emissions, and specifically CO<sub>2</sub>, are due to vehicle travel and energy consumption. Results of the URBEMIS2007 model indicate that, on average, 87,066.64 pounds (43.53 tons) of CO<sub>2</sub> would be produced daily or about 31,779,323.60 pounds (15,889.66 tons) per year.
- (e) In accordance with the current AQMP, the emission levels in California are estimated to be 473 million metric tons (521.4 million short tons) CO<sub>2</sub> equivalent for 2000 and 532 million metric tons (568.4 short tons) CO<sub>2</sub> equivalent for 2010. Year 2009 (the worst-case scenario year that the emissions are based on) is then extrapolated to 526.1 million metric tons (579.9 short tons). At approximately 15,889.66 tons per year, the proposed project's operations represent less than 0.003 percent of this State's annual CO<sub>2</sub> emissions' budget.
- (f) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

## 5.8 Noise

- 5.8.1 Environmental Effect: Construction activities could result in a substantial temporary increase in ambient noise levels in the project vicinity above levels existing without the project (Noise Impact 8-1).

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative noise impacts are addressed in Section 4.8 (Noise) in the FEIR and that analysis is incorporated by reference herein.
- (b) Noise levels associated with construction activities would be higher than the existing ambient noise levels in the project area but would subside once construction of the project is completed.
- (c) The most proximate residential structures include the existing single-family homes located to the immediate south and east of the project site. The nearest of these homes could be on the order of 50 feet from on-site construction activities. At that distance, the equivalent noise level (Leq) noise levels would be projected to be as high as 89 A-weighted decibel scale (dBA).
- (d) Construction noise is regulated in the City under the provisions of the Municipal Code. The Municipal Code limits the hours of heavy equipment operations. Notwithstanding those provisions, construction noise may continue to be a short-term nuisance to proximal noise-sensitive receptors.
- (e) In recognition of the presence of construction noise and the proximity of existing residential receptors, a number of mitigation measures (Mitigation Measures 8-1 through 8-6) have been included in the FEIR and adopted or likely to be adopted in the MRMP which are designed to reduce short-term noise impacts to the maximum extent feasible. Implementation of the recommended mitigation measures would reduce construction noise impacts to a less-than-significant level.

- 5.8.2 Environmental Effect: 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 (Noise Impact 8-2).

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative noise impacts are addressed in Section 4.8 (Noise) in the FEIR and that analysis is incorporated by reference herein.
- (b) The Municipal Code sets a goal level of 55 dBA for mobile-source noise intrusion on sensitive, multi-family land uses. The General Plan (Noise Element) allows for a conditionally acceptable exterior noise level of up to 65 dBA community noise equivalent level (CNEL) for residential uses as long as the dwelling units are fitted with forced air ventilation or air conditioning. Assuming the inclusion of forced air ventilation, commercial uses have an exterior goal of 65 dBA CNEL and a conditionally acceptable level of 70 dBA CNEL.
- (c) Based on projected traffic volumes, the 65 dBA CNEL along Diamond Bar Boulevard would fall at a distance of about 130 feet from the centerline of the road. The placement of any residential units within this distance could then expose future residents to excessive noise levels and result in a potentially significant impact. Since any commercial structures that would lie between the residential units and Diamond Bar Boulevard could serve as an effective sound wall if they were to shield the residents from a view of the road traffic, the 130-foot distance is considered as conservative.
- (d) The 65 dBA CNEL deemed suitable for residential development, equipped with forced air ventilation, would fall at a distance of about 830 feet from the freeway.
- (e) The 70 dBA CNEL would fall at distances of about 60 feet from the centerline of Diamond Bar Boulevard.
- (f) The Lead Agency has identified a standard condition of approval (Condition of Approval 8-1), as required under Title 24 standards, requiring forced air ventilation in the proposed residential development, thus allowing site occupants to leave windows closed and reducing interior levels by in excess of 20 dBA.
- (e) Based on the potential presence of significant noise impacts, a number of mitigation measures (Mitigation Measures 8-7 and 8-8) have been included in the FEIR and adopted or likely to be adopted in the MRMP specifying that no residential units shall be located within 830 feet of the SR-57 Freeway's nearest travel lane unless additional sound attention is provided and no commercial units shall be located within 60 feet of the centerline of Diamond Bar Boulevard. Implementation of the recommended mitigation measures would reduce construction noise impacts to a less-than-significant level.

5.8.3 Environmental Effect: Project implementation may result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (Noise Impact 8-3).

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative noise impacts are addressed in Section 4.8 (Noise) in the FEIR and that analysis is incorporated by reference herein.
- (b) As traffic volumes in the general project area increase, those areas located in proximity to the area's arterial highway system will experience increased traffic

- noise.
- (c) The TIA indicates that the project would add 9,276 ADT to the roadway network. Modeling indicates that the noise increase along all access roads would not exceed 0.7 dBA CNEL. The project's contribution to ambient noise levels would, therefore, be less than significant.
  - (d) The dominant sources of noise through the project area are from freeway traffic and traffic along Diamond Bar Boulevard. Noise attenuates with distance and intervening objects and obstacles serve to further impede the transmittal of sound energy. The structures associated with the proposed development would serve as a partial sound wall reducing this noise at the existing residential location. The introduction of intervening structures could benefit adjacent residents by further reducing line-of-sight propagation of mobile source noise along adjoining roadways.
  - (e) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

5.8.4 Environmental Effect: 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 (Noise Impact 8-4).

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative noise impacts are addressed in Section 4.8 (Noise) in the FEIR and that analysis is incorporated by reference herein.
- (b) Construction noise impacts are generally localized and limited to each related project site and those areas proximal to those construction operations. Cumulative construction noise impacts will be generally localized to each such project and the roadway network along which construction traffic travels.
- (c) As traffic volumes in the general project area increase over time, those areas located in proximity to the area's arterial highway system will experience increased traffic noise. Existing roadway volumes would, however, need to double in order to produce a perceptible noise increase.
- (d) Large-scale projects that contribute substantially to traffic volumes along the area's arterial highway system are subject to CEQA compliance. Similarly, the noise element of each agency's general plan specifies those roadways that are subject to excessive noise levels. As deemed appropriate, beyond those requirements already imposed by each agency's noise ordinance, land-use entities have the ability to impose additional mitigation measures and/or conditions of approval on each project in order to reduce potential short-term and long-term traffic noise impacts.
- (e) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

## 5.9 Public Services and Facilities

- 5.9.1 Environmental Effect: 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 (Public Services Impact 9-1).

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Facilities) in the FEIR and that analysis is incorporated by reference herein.
- (b) Since the project site is presently vacant and since no public use is authorized thereupon, the property presently places little, if any, demand upon existing police protection services. An increased demand for police service will occur during the construction phases.
- (c) Provision of such services would not require construction of any new Los Angeles County Sheriff's Department (LACSD) or California Highway Patrol (CHP) facilities or necessitate the physical alteration of any existing facilities.
- (d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of standard conditions of approval (Conditions of Approval 9-1 and 9-2) requiring the preparation of a construction security plan outlining the activities that will be instituted to secure the construction site from potential criminal incidents and providing the LACSD the opportunity to review and comment upon building plans and the configuration of the development.
- (e) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

- 5.9.2 Environmental Effect: 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 (Public Services Impact 9-2).

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Facilities) in the FEIR and that analysis is incorporated by reference herein.
- (b) The proposed project must fully comply with all applicable provisions of the "Uniform Building Code" (UBC) and "Uniform Fire Code" (UFC), as modified, and other applicable provisions of the "Los Angeles County Code" (County Code) established to address fire protection and public safety.
- (c) The project is subject to compliance with the Los Angeles County Fire Department's (LACFD) "Fuel Modification Plan Guidelines for Projects Located in Fire Zone 4 or Very High Fire Hazard Severity Zone" requirements.
- (d) Although none of the threshold criteria would be exceeded, the Lead Agency has

identified a number of standard conditions of approval (Conditions of Approval 9-3 through 9-5) requiring the Los Angeles County Fire Department's (LACFD) approval of fire protection program and workplace standards for fire safety, a fuel modification, landscape, and irrigation plan, a final water improvement plans, and associated building plans.

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

5.9.3 Environmental Effect: 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 (Public Services Impact 9-3).

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Facilities) in the FEIR and that analysis is incorporated by reference herein.
- (b) Since no substantial increase in the number of new households within the general project area would be anticipated in order to accommodate the project's construction, no direct construction-related impacts on WVUSD facilities have been identified.
- (d) Construction traffic accessing the site from Cold Springs Road will cross Castle Rock Road in the vicinity of Castle Rock Elementary School. Construction vehicles will transport equipment, building materials, and could discharge construction debris along streets adjacent to established residential areas, including the school, where children would be present.
- (e) Construction activities may present an attractive nuisance, defined as any condition which is unsafe or unprotected and, thereby, dangerous to children and which may reasonably be expected to attract children to the property and risk injury by playing with, in, or on it.
- (f) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of standard conditions of approval (Conditions of Approval 6-2, 6-3, 6-4, and 9-6) restricting construction traffic along Castle Rock Road and Pasado Drive, requiring the preparation of a construction traffic safety plan and a traffic control plan, and requiring the fencing and signage of the construction site.
- (g) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

5.9.4 Environmental Effect: 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 (Public Services Impact 9-4).

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Facilities) in the FEIR and that analysis is incorporated by reference herein.
- (b) Actual police protection personnel needs will be determined over time, based on that department's experience with the project's residential and commercial components, areawide incident trends, and other factors, and not derived purely through a projection of the number of on-site residents.
- (c) There is no formal basis to quantify project-related law enforcement impacts, no established nexus allowing for the collection of developer impact fees for police protection services, and no direct linkage between approved development and the expansion of police resources, the purchase and new or the replacement of existing equipment, and the hiring of new sworn and non-sworn personnel.
- (e) Neither the LACSD nor the CHP have not established a functional mechanism for the collection of LACSD or CHP impact fees and there exists no formal basis to quantify project-related impacts upon police protection services.
- (f) Because funding for LACSD personnel, equipment, and facilities is derived through ad valorem taxation and based on yearly allocations by the County, the County has the ability to effectively respond to LACSD resource demands.
- (g) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 9-2) specifying that, prior to the issuance of building permits, the LACSD review and comment upon building plans and the configuration of the development.
- (h) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

5.9.5 Environmental Effect: 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 (Public Services Impact 9-5).

Finding: The City Council hereby makes Finding (1).

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

- (a) Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Facilities) in the FEIR and that analysis is incorporated by reference herein.
- (b) Water service to the project site will be provided by the Walnut Valley Water District (WYWD), via existing water mains. The LACFD requires a minimum fire flow of 1,250 gallons per minute (gpm) at 20 pounds per square inch (psi) for a two-hour duration. Existing water mains are capable of delivering those minimum flows to the project site.
- (c) With regards to commercial projects, the LACFD stipulates that the minimum fire flow and fire hydrant requirements shall be determined by the fire chief or fire marshal.
- (d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 9-5) specifying

that, prior to the issuance of building permits, the LACFD review and approve final water improvement plans and building plans.

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

5.9.6 Environmental Effect: 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) (Public Services Impact 9-6).

Finding: The City Council hereby makes Finding (1):

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

- (a) Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Facilities) in the FEIR and that analysis is incorporated by reference herein.
- (b) For the 2009-2010 school year, Castle Rock Elementary, Evergreen Elementary Schools, and South Pointe Middle School have the available capacity to accommodate 103, 117, and 62 additional students, respectively. Although no available capacity has been identified at Diamond Bar High School (a shortfall of 80 students is projected), any excess pupil enrollment at that facility will be temporarily housed in leased portable classrooms (in space made available by reducing existing programs and in space reconstructed on existing sites) until more permanent measures can be taken.
- (c) As indicated in the WVUSD's current fee justification study, based on the application of the State-approved cohort survival method, it is estimated that student enrollment within the WVUSD will decrease from 15,485 Grade K-12 students in the fall of the 2008 school year to 15,414 students in the 2011 school year, representing an increase of 75 Grade K-6 students and a decrease of 79 Grade 7-12 students. Alternatively, based on the application of the pupil per dwelling unit multiplier method, it is estimated that student enrollment will increase from 15,485 Grade K-12 students in the fall of the 2008 school year to 15,599 students in the 2016 school year, representing an increase of 49 Grade K-6 students and an increase of 50 Grade 7-12 students.
- (d) The WVUSD's current fee justification study concluded that no new school sites would need to be acquired and no new school facilities would need to be constructed to accommodate projected student population projections through at least 2023.
- (e) Payment of applicable fees to the WVUSD or, alternatively, execution of an Assembly Bill (AB) 2926 mitigation agreement acceptable to the WVUSD constitutes full and complete mitigation of project-related impacts on the provision of school facilities from the proposed residential development.
- (f) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 9-7) specifying that, prior to the issuance of building permits, the City be provided with a certificate of compliance or other documentation demonstrating compliance with the District's School Board resolutions governing the payment of school impact fees