

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

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

"Site D" Specific Plan
City of Diamond Bar, California

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

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

"Site D" Specific Plan
City of Diamond Bar, California

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

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

**PLANNING COMMISSION
RESOLUTION NO. 2010-13**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DIAMOND BAR, CALIFORNIA, RECOMMENDING TO CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENT NO. 2007-03 AND ZONE CHANGE NO. 2007-04 FOR PROPERTY COMPRISED OF APPROXIMATELY 30.36 ACRE LOCATED AT THE SOUTHEAST CORNER OF BREA CANYON ROAD AND DIAMOND BAR BOULEVARD, DIAMOND BAR, CALIFORNIA (ASSESSORS PARCEL NUMBERS 8714-002-900, 8714-002-901, 8714-002-902, 8714-002-903 and 8714-015-001).

A. RECITALS

1. On July 1, 2007, the property owner/co-applicant, Walnut Valley School District, and property owner/co-applicant/lead agency, City of Diamond Bar, executed a Memorandum of Understanding whereby the parties agreed to collaborate in the planning of the future land use for the approximately 30.36-acre parcel property located at the southeast corner of Brea Canyon Road and Diamond Bar Boulevard, City of Diamond Bar, County of Los Angeles, California so that both parties may each advance their respective objectives for the disposition of the property;
2. The following approvals are requested to the City Council:
 - (a) General Plan Amendment No. 2007-03 to change the land use designations from Public Facility (PF) and General Commercial (C) to Specific Plan (SP);
 - (b) Zone Change No. 2007-04 to change the zoning districts from Low Density Residential (RL), Low/Medium Density Residential (RLM), and Neighborhood Commercial (C-1) to Specific Plan;
 - (c) Specific Plan No. 2007-01 to adopt the Site D Specific Plan for the approximately 30.36 acre site to facilitate the development of a maximum of 202 residential; 153,985 gross sq. ft. of commercial; and approximately 10.16 acres of open space areas, easements, and rights-of-way;
 - (d) Tentative Tract Map No. 70687 to establish separate residential, commercial, and open space parcels; create an internal circulation

system and common open space areas; and establish easements and other rights-of-way for utility and other purposes; and

- (e) Environmental Impact Report 2007-02 to certify the Final EIR, which provides a detailed analysis of potential environmental impacts associated with the development of the Specific Plan area.
3. In accordance to the provisions of the California Environmental Quality Act (CEQA), Section 15168 et seq., an Environmental Impact Report (EIR) has been prepared for the project which found that the proposed project may have remaining significant impacts that requires adoption of "Findings of Facts and Statement of Overriding Considerations." Per CEQA Guidelines Section 15090, the EIR is being reviewed concurrently with the approval of the General Plan Amendment No. 2007-03 and Zone Change No. 2007-04 and must be certified by the City Council before project approval;
4. In accordance with CEQA Guidelines Sections 15090 through 15093, a resolution recommending certification of the EIR, adoption of a mitigation reporting and monitoring program, and adoption of "Findings of Facts and Statement of Overriding Considerations" to the City Council for the project is being reviewed by the Planning Commission concurrently with this resolution;
5. The approval of Specific Plan No. 2007-01 (Site D Specific Plan) that is being reviewed concurrently with this project, includes a land use plan that divides the property into three sub-planning areas (Residential, Commercial, and Open Space/Circulation) and includes standards and guidelines for future development of the specific plan site;
6. Notification of the public hearing for this project was published in the San Gabriel Valley Tribune and the Inland Valley Daily Bulletin newspapers on April 2, 2010. Public hearing notices were mailed to property owners within a 1,000-foot radius of the project site and public notices were posted at the City's designated community posting sites. In addition to the published and mailed notices, the project site was posted with a display board and the notice was posted at three other locations within the project vicinity;
7. On April 13, April 27, and May 11, 2010, the Planning Commission of the City of Diamond Bar conducted a duly noticed public hearing, solicited testimony from all interested individuals, and concluded said hearing on that date;
8. The Planning Commission has determined that the proposed General Plan Amendment and Zone Change represents a consistent, logical,

appropriate and rational land use designation and implementing tool that furthers the goals and objectives of the City General Plan; and

9. The documents and materials constituting the administrative record of the proceedings upon which the City's decision is based are located at the City of Diamond Bar, Community Development Department, Planning Division, 21825 Copley Drive, Diamond Bar, CA 91765.

B. RESOLUTION

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

1. The Planning Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct;
2. Based on the findings and conclusions set forth herein, the Planning Commission hereby finds and recommends as follows:
 - a. City Council approval of a General Plan Amendment No. 2007-03 for the Site D Specific Plan based on the following finding, as required by Section 22.70.050 of the Municipal Code and in conformance with California Government Code Section 65358:

The amendment to the General Plan is internally consistent with the adopted goals and policies of the City and is in the public interest. General Plan Amendment No. 2007-03 will permit residential and commercial, rather than public facility, in an area adjacent to an existing residential and commercial development. The General Plan Amendment promotes the following:

- Land Use Element Vision Statement states: It is the overall goal of the land use element to ensure that the land uses and development decisions of Diamond Bar maintain and enhance the quality of life for its residents. Goal 1 states: Consistent with the Vision Statement, maintain a mix of land uses which enhance the quality of life of Diamond Bar residents, providing a balance of development and preservation of significant open space areas to assure both economic viability and retention of distinctive natural features of the community.

The Site D Specific Plan is a mixed use development that provides quality higher-density residential housing within proximity to a neighborhood-retail center, and open space. The Site D Specific Plan also incorporates physical design elements that reflect the unique topographical characteristics of Diamond Bar through the creation of a landform grading design that

emulates natural topographic contours and undulations, and incorporates native woodland species indigenous to the site.

- Land Use Element – Goal 2 states: Manage land use with respect to the location, density and intensity, and quality of development. Maintain consistency with the capabilities of the City and special districts to provide essential services which achieve sustainable use of environment and manmade resources.

The Site D Specific Plan project is located at the corner of a major and a secondary arterial in the Diamond Bar area identified by the City's General Plan as a prime location for mixed-use development. This Specific Plan document will guide the build-out of Site D in a manner which is consistent with City and State policies and standards and assures that the project is developed in a coordinated manner.

- Land Use Element - Goal 3 states: Maintain recognition within Diamond Bar and the surrounding regions as being a community with a well planned and aesthetically pleasing physical environment.

The Site D Specific Plan is consistent with the needs of the Diamond Bar community by offering housing and employment opportunities in an integrated, aesthetically pleasing, mixed-use development. Additionally, the commercial-retail facilities will provide service to both residents of the City of Diamond Bar and surrounding regions.

- Land Use Element – Goal 4 states: Encourage long-term and regional perspectives in local land use decisions, but not at the expense of the quality of life for Diamond Bar residents.

The Site D Specific Plan sets the precedent for a new and vibrant mixed-use development in the City of Diamond Bar. Interweaving higher-density residential housing with a centrally located commercial-retail center, and open space, will allow Site D to be a quality mixed-use development that will positively contribute to the City of Diamond Bar.

- Housing Element Vision Statement states: It is the overall goal of the housing plan that there is adequate housing in the City, both in quality and quantity, to provide appropriate shelter for all without discrimination. Goal 1 states: Consistent with the Vision Statement, preserve and conserve the existing housing stock and maintain property values and residents' quality of life.

The residential component of the Site D Specific Plan proposes up to 202 high-quality residential units to help fulfill Diamond Bar's portion of the region's housing needs. The criteria for residential development incorporate an internal circulation system that is not reliant on those of the surrounding residential neighborhoods, and ensure that new residential community will coexist harmoniously with the adjoining, established neighborhoods.

- Housing Element – Goal 2 states: Provide opportunities for development of suitable housing to meet the diverse needs of existing and future residents.

The higher-density residential housing of Site D project area meets the fiscal and culturally diverse needs of both future and existing City of Diamond Bar residents by offering an alternative to the predominantly detached single-family residential market largely found in the City of Diamond Bar.

- Housing Element – Goal 5 states: Encourage equal and fair housing opportunities for all economic segment of the community.

The Site D Specific Plan will provide higher-density residential uses in the form of attached housing, which can accommodate various economic segments of the Diamond Bar community and its residents by supporting the variation in character of the Diamond Bar housing stock.

- Resource Management Element Vision Statement states: It is the overall goal of the resource management element to provide and maintain adequate open spaces in the City to serve the diverse recreational needs of its residents, while fostering the wise use of limited natural resources. Goal 1 states: Create and maintain an open space system which will preserve scenic beauty, protect important biological resources, provide open space for outdoor recreation and the enjoyment of nature, conserve natural resources, and protect public health and safety.

The Site D Specific Plan preserves approximately 8.0 acres of 30.36 acres as open space, which includes vegetated slopes, residential amenities, and pedestrian pathways.

- Public Health and Safety Element Vision Statement states: It is the overall goal of the plan to provide a safe and healthy

environment for the residents of Diamond Bar. Goal 1 states: Create a secure public environment which minimizes potential loss of life and property damage, as well as social, economic, or environmental disruption resulting from natural and manmade disasters.

The Site D Specific Plan will provide a safe and secure environment for City residents by promoting the policies and ideals particular to the City of Diamond Bar. Specific standards are included in the Site D Specific Plan regulating development within the project area, which will minimize potential loss of life and property damage. Additionally, each stage of development permitted by this Specific Plan will adequately provide vehicular access, public facilities, and infrastructure for public health and safety.

- Circulation Element Vision Statement states: It is the overall goal of the plan to provide a safe, adequate and environmentally sensitive transportation system to meet the circulation needs of the citizens of Diamond Bar. Goal 1 states: Enhance the environment of the City's street network. Work toward improving the problems presented by intrusion of regionally oriented commuter traffic through the City and into residential neighborhoods. Consider programs to reinforce the regional transportation and circulation system to adequately accommodate regional needs.

The Site D Specific Plan's improvement of interior roadways and circulation will ensure safe, direct, and convenient vehicular and pedestrian access to and through the project's various land uses. Because the site is bordered by existing and improved roadways (Diamond Bar Boulevard and Brea Canyon Road), no major exterior roadway modifications will be developed by this Specific Plan. To the extent possible, existing lane configurations and right-of-way improvements on exterior project roadways will be retained. However, minor landscape and parkway improvements shall be provided along these roadways as well as additional strategically placed entrances, which will make Site D project area an easily accessible location for residents of the City of Diamond Bar.

- Circulation Element – Goal 2 states: Provide a balanced transportation system for the safe and efficient movement of people, goods, and services through the City.

The Site D Specific Plan will contain a strong internal circulation network that will serve to provide direct and efficient access to the site. While the automobile will be the predominant form of travel, the Site D Specific Plan recognizes the importance of alternative modes of transportation. A convenient and easily accessible transit system becomes an essential element of a mixed-use development such as Site D. Bus stops are located adjacent to Site D and facilitate alternative modes of transportation. Transit is expected to be provided by the Metropolitan Transit Authority (MTA), Foothill Transit, and the City's fixed-route transportation system.

- Circulation Element – Goal 3 states: Maintain an adequate level of service on area roadways.

The Environmental Impact Report associated with the development of the Site D Specific Plan includes an analysis of project area roadways and existing and build-out levels of service. Appropriate mitigation measures shall be provided if area roadways are found to be operating under the required level of service as a result of the Site D development.

- Circulation Element – Goal 4 states: Provide or regulate the provision of the supply of parking to meeting the needs for both residents and commercial businesses.

The Site D Specific Plan mixed-use development will be consistent with Chapter 22.30, Off-Street Parking of the Diamond Bar Municipal Code.

- Public Services and Facilities Element Vision Statement states: It is the overall goal of the plan that the City acquire and maintain adequate resources to meet the needs of its resident. Goal 1 states: Provide adequate infrastructure facilities and public services to support development and planned growth.

Public services and utilities, including water, sewer, gas, electricity, telephone, and cable will be extended into the Specific Plan area to support the Site D development.

- Public Services and Facilities Element – Goal 2 states: Achieve a fiscally solvent, financially stable community.

The Site D Specific Plan area will contain a high-quality, mixed-use development, composed of commercial-retail, higher-density residential, and open space land uses. The provision of residential uses on-site creates an immediate market for retail

and service uses, thereby enhancing the potential for establishing a successful mixed-use master planned development. Additionally, Site D Specific Plan will provide housing and job opportunities to the City of Diamond Bar residents, which will generate property and sales taxes that can be used for improvement of public services and facilities. Due to the project's convenient location and site planning, Site D presents an economically viable plan that is good for the City of Diamond Bar and its residents.

The proposed General Plan Amendment is consistent with all of these goals. Therefore, the General Plan Amendment is consistent with City policies and is in the public interest;

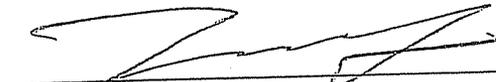
- b. City Council approval of Zone Change No. 2007-04 for the Site D Specific Plan based on the following finding, as required by Section 22.70.050 of the Municipal Code and in conformance with California Government Code Sections 65853 and 65860:

The amendment to the Zoning Map is internally consistent with the General Plan and the adopted goals and policies of the City. The Zoning Map does not presently reflect the General Plan designation for the property. Zone Change No. 2007-04 will place the City's Zoning Map in conformance with the General Plan by designating the Property as SP (Specific Plan), with sub-areas corresponding to those in the Site D Specific Plan. The existing approximate 30.36 acres located at the southeast corner of Brea Canyon Road and Diamond Bar Boulevard (Assessors Parcel Numbers 8714-002-900, 8714-002-901, 8714-002-902, 8714-002-903, and 8714-015-001) shall have a zoning designation of SP – Specific Plan.

The Planning Commission shall:

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

APPROVED AND ADOPTED THIS 11th DAY OF MAY 2010, BY THE PLANNING COMMISSION OF THE CITY OF DIAMOND BAR.

By: 
Tony Torng, Chairman

I, Greg Gubman, Planning Commission Secretary, do hereby certify that the foregoing Resolution was duly introduced, passed, and adopted, at a regular meeting of the Planning Commission held on the 11th day of May, 2010, by the following vote:

| | | |
|----------|----------------|-----------------------------|
| AYES: | Commissioners: | Shah, VC/Nolan, Chair/Torng |
| NOES: | Commissioners: | Lee |
| ABSENT: | Commissioners: | Nelson |
| ABSTAIN: | Commissioners: | None |

ATTEST: 
Greg Gubman, Secretary



**PLANNING COMMISSION
RESOLUTION NO. 2010-14**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DIAMOND BAR, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE TENTATIVE TRACT MAP NO. 70687 AND SPECIFIC PLAN NO. 2007-01 FOR SUBDIVISION OF 30.36 ACRE SITE FOR RESIDENTIAL AND COMMERCIAL PURPOSES AND ADOPTION OF THE SITE D SPECIFIC PLAN FOR DEVELOPMENT OF THE SITE WITH 202-UNIT RESIDENTIAL UNITS AND 153,985 GROSS SQ. FT. OF COMMERCIAL USE ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF BREA CANYON ROAD AND DIAMOND BAR BOULEVARD, DIAMOND BAR, CALIFORNIA (APN 8714-002-900, 8714-002-903, and 8714-045-001).

A. RECITALS

1. On July 1, 2007, the property owner/co-applicant, Walnut Valley School District, and property owner/co-applicant/lead agency, City of Diamond Bar, executed a Memorandum of Understanding whereby the parties agreed to collaborate in the planning of the future land use for the approximately 30.36-acre parcel property located at the southeast corner of Brea Canyon Road and Diamond Bar Boulevard, Diamond Bar, County of Los Angeles, California so that both parties may each advance their respective objectives for the disposition of the property;
2. The Application is being reviewed by the Planning Commission concurrently with General Plan Amendment No. 2007-03, Zone Change No. 2007-04, and Environmental Impact Report No. 2007-02 (SCH No. 2008021014);
3. In accordance to the provisions of the California Environmental Quality Act (CEQA), Section 15168 et seq., an Environmental Impact Report (EIR) has been prepared for the project which found that the proposed project may have remaining significant impacts that requires adoption of "Findings of Facts and Statement of Overriding Considerations." Per CEQA Guidelines Section 15090, the EIR is being reviewed concurrently with the approval of the General Plan Amendment No. 2007-03 and Zone Change No. 2007-04 and must be certified by the City Council before project approval;
4. In accordance with CEQA Guidelines Sections 15090 through 15093, a resolution recommending certification of the EIR, adoption of a mitigation reporting and monitoring program, and adoption of "Findings of Facts and Statement of Overriding Considerations" to the City Council for the project is being reviewed by the Planning Commission concurrently with this resolution;
5. The approval of Specific Plan No. 2007-01 (Site D Specific Plan) that is being reviewed concurrently with this application, includes a land use plan that divides the property into three sub-planning areas (Residential, Commercial, and Open Space/Circulation) and includes standards and guidelines for future development of the specific plan site;

6. The following approvals are requested to the City Council:
 - (a) General Plan Amendment No. 2007-03 to change the land use designations from Public Facility (PF) and General Commercial (C) to Specific Plan (SP);
 - (b) Zone Change No. 2007-04 to change the zoning districts from Low Density Residential (RL), Low/Medium Density Residential (RLM), and Neighborhood Commercial (C-1) to Specific Plan;
 - (c) Specific Plan No. 2007-01 to adopt the Site D Specific Plan for the approximately 30.36 acre site to facilitate the development of a maximum of 202 residential; 153,985 gross sq. ft. of commercial; and approximately 10.16 acres of open space areas, easements, and rights-of-way;
 - (d) Tentative Tract Map No. 70687 to establish separate residential, commercial, and open space parcels; create an internal circulation system and common open space areas; and establish easements and other right-of-way for utility and other purposes; and
 - (e) Environmental Impact Report 2007-02 to certify the Final EIR, which provides a detailed analysis of potential environmental impacts associated with the development of the Specific Plan area.
7. Notification of the public hearing for this project was published in the San Gabriel Valley Tribune and the Inland Valley Daily Bulletin newspapers on April 2, 2010. Public hearing notices were mailed to property owners within a 1,000-foot radius of the project site and public notices were posted at the City's designated community posting sites. In addition to the published and mailed notices, the project site was posted with a display board and the notice was posted at three other locations within the project vicinity;
8. On April 13, April 27, and May 11, 2010, the Planning Commission of the City of Diamond Bar conducted a duly noticed public hearing, solicited testimony from all interested individuals, and concluded said hearing on that date; and
9. The documents and materials constituting the administrative record of the proceedings upon which the City's decision is based are located at the City of Diamond Bar, Community Development Department, Planning Division, 21825 Copley Drive, Diamond Bar, CA 91765.

B. RESOLUTION

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

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

2. In accordance to the provisions of the California Environmental Quality Act (CEQA), Section 15168 et seq., an Environmental Impact Report (EIR) has been prepared for the project which found that the proposed project may have remaining significant impacts that requires adoption of "Findings of Facts and Statement of Overriding Considerations." Per CEQA Guidelines Section 15090, the EIR is being reviewed concurrently with the approval of the General Plan Amendment No. 2007-03 and Zone Change No. 2007-04 and must be certified by the City Council before project approval;
3. The Planning Commission hereby specifically finds and determines that, having considered the record as a whole including the findings set forth below, and changes and alterations which have been incorporated into and conditioned upon the proposed project set forth in the application, there is no evidence before this Planning Commission that the project proposed herein will have the potential of an adverse effect on wild life resources or the habitat upon which the wildlife depends. Based upon substantial evidence, this Planning Commission hereby rebuts the presumption of adverse effects contained in Section 753.5(d) of Title 14 of the California Code of Regulations;
4. Based on the findings and conclusions set forth herein, the Planning Commission hereby finds and recommends as follows:
 - a. The Site D Specific Plan is to allow vacant land comprised of approximately 30.36 acres located at the southeast corner of Brea Canyon Road and Diamond Bar Boulevard (Assessors Parcel Number 8714-002-900, 8714-002-901, 8714-002-902, 8714-002-903 and 8714-015-001) with 202 residential dwelling units; 153,985 gross sq. ft. of commercial use; and approximately 10.16 acres of open space areas, easements, and rights-of-way;
 - b. The current General Plan land use designations for the site include Public Facility (PF) and General Commercial (C). General Plan Amendment No. 2007-03 being considered concurrently with this application proposes to change the land use designation for the site to Specific Plan. With approval of the General Plan Amendment, the Application will be consistent with the General Plan land use designation;
 - c. The project site is within the Low Density Residential (RL), Low/Medium Density Residential (RLM), and Neighborhood Commercial (C-1). Zone Change No. 2007-04 is being reviewed concurrently with the Application that requests that the City Council approve the zone change from the current zoning to Specific Plan for General Plan compliance;
 - d. The project site is generally surrounded by single-family homes to the north, south, and west, and a gas station and professional office buildings to the east. The site is bordered on the north by Diamond Bar Boulevard, and Brea Canyon Road to the west. The Brea Canyon Flood Control Channel runs roughly parallel to Brea Canyon Road and cuts through the western portion of the property.

- e. The application involves a request for the following: Adoption of the Site D Specific Plan for development of the site with 202 residential dwelling units; 153,985 gross sq. ft. of commercial use; and approximately 10.16 acres of open space areas, easements, and rights-of-way.

Tentative Map Findings: Pursuant to Subdivision Code Section 21.20.080 of the City's Subdivision Ordinance, the Planning Commission recommends that the City Council make the following findings:

- f. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan and any applicable specific plan;

The proposed project involves the subdivision of the site with 202 residential units; 153,985 gross sq. ft. of commercial use; and approximately 10.16 acres of open space areas, easements, and rights-of-ways. The General Plan land use designations for the site include Public Facility (PF) and General Commercial (C). General Plan Amendment No. 2007-03 being considered concurrently with this application proposes to change the land use designation for the site to Specific Plan. With approval of the General Plan Amendment, the Application will be consistent with the General Plan land use designation.

The proposed subdivision is consistent with the concurrently proposed Site D Specific Plan document, as conditioned.

- g. The site is physically suitable for the type and proposed density of development;

The proposed subdivision will be consistent with the amended General Plan land use designation that is being considered concurrently with the application. The proposed land use designation will be Specific Plan that will allow for the development of 202 residential dwelling units; 153,985 gross sq. ft. of commercial use; and approximately 10.16 acres of open space areas, easements, and rights-of-way. The buildings will have minimum setbacks requiring 15 feet from Diamond Bar Boulevard and Brea Canyon Road, 85 feet from the southerly property line (which abut residential), and 30 feet from the easterly edge. Visual analysis was performed to understand how the building massing of both commercial and residential would look from the street. This analysis led the City to expand some of the building setbacks.

Additionally, the EIR prepared for TTM No. 70687 reviewed the map's suitability for the project site, access, circulation, grading, aesthetics, land use, etc. The review concluded that the proposed subdivision would not have a significant effect on the environment and/or with the incorporation of mitigation measures would be reduced to a level of less than significant.

- h. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or injure fish or wildlife or their habitat;

Pursuant to the provisions of the California Environmental Quality Act (CEQA) Section 15168 et seq., and Environmental Impact Report (EIR) has been prepared for the application and found that the proposed project may have remaining significant impact that requires the adoption of "Findings of Facts and Statement of Overriding Considerations." Per CEQA Guidelines Sections 15090, the EIR is being reviewed concurrently with the Application and will be certified by the City Council before Application approval.

- i. The design of the subdivision or type of improvements will not cause serious public health or safety problems;

The proposed subdivision will create three elevated building pads (one commercial and two residential). The grading will be constructed, operated, and maintained in accordance with the recommendations contained in the preliminary geotechnical investigation to assure that geotechnical stability is maintained or increased. Detailed drainage and hydrology studies will be completed, including the potential for debris flows, and the proposed conditions and mitigation measures will likely prevent any significant increases in erosion and flood hazards. The development will also have traffic improvements to mitigate existing plus project traffic conditions and cumulative traffic impacts.

- j. The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision.

The site does not have any access easements on-site.

- k. The discharge of sewage from the proposed subdivision into the community sewer system would not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board;

The proposed subdivision has been analyzed under the Environmental Impact Report and was not found to violate any requirement of the California Regional Water Quality Control Board. To reduce water quality impacts to a level less than significant, the proposed subdivision is required to comply with mitigation measures that include compliance with the California Regional Water Quality Control Board, Federal Clean Water Act, and the National Pollutant Discharge Elimination System (NPDES) program, implementing construction-related Best Management Practices (BMP's) and Standard Urban Stormwater Mitigation Plan (SUSMP) criteria. With project design features related to the storm drain system, conditions of approval and mitigation measures, potentially

significant water quality impacts would be reduced to a levels less than significant.

- l. A preliminary soils report or geologic hazard report does not indicate adverse soil or geologic conditions; and

The grading will be constructed, operated, and maintained in accordance with the recommendations contained in the preliminary geotechnical investigation to assure that geotechnical stability is maintained or increased.

- m. The proposed subdivision is consistent with all applicable provisions of the City's subdivision ordinance, the development code, and the subdivision map act.

The proposed subdivision is consistent with the concurrently proposed Site D Specific Plan and will be required to comply with the City's subdivision ordinance, subdivision map act, and applicable development code.

Specific Plan Findings: Pursuant to Development Code Section 22.60 of the City's Municipal Code and California Government Code Section 65451, the Planning Commission recommends that the City Council make the following findings:

- n. Shows the distribution, location and extent of the land uses proposed within the area covered by the specific plan, including open space areas;

The Site D Specific Plan document contains plans showing the distribution, location and extent of the uses of land, including open space areas.

- o. Shows the proposed distribution, location, extent and intensity of major components of public and private drainage, energy, sewage, solid waste disposal, circulation/transportation, water and other essential facilities proposed to be located within the specific plan area and needed to support the proposed land uses;

The Site D Specific Plan includes the proposed distribution, location, extent and intensity of major components of public and private transportation and all other essential facilities will be reviewed upon submittal of a development proposal.

- p. Includes standards, criteria and guidelines by which development will proceed, and standards for conservation, development and utilization of natural resources, where applicable;

The Site D Specific Plan includes standards, criteria and guidelines by which development will proceed, and standards for conservation, development and utilization of natural resources.

- q. Includes a program of implementation measures, including regulations, programs, public works and financing measures necessary to carry out the proposed land uses, infrastructure and development and conservation standards and criteria; and

The Site D Specific Plan includes a program of implementation measures, including regulations necessary to carry out the proposed land uses, infrastructure and development and conservation standards and criteria.

- r. Includes a discussion of the relationship of the specific plan to the general plan.

The Site D Specific Plan includes a statement attesting to the consistency of the specific plan with the City's General Plan.

- 5. Based on the findings and conclusions set forth herein, the Planning Commission hereby finds and recommends that the City Council approve Specific Plan No. 2007-01 and Tentative Tract Map No. 70687, subject to the following conditions, the attached Conditions of Approval and the Mitigation Reporting and Monitoring Program:

- a. GENERAL

- 1. This approval for Site D Specific Plan and Tentative Tract Map No. 70687 shall be null and void and of no effect unless the EIR (SCH #2008021014) is certified, the Mitigation Reporting and Monitoring Program, Facts and Findings and Statement of Overriding Considerations are adopted; and General Plan Amendment No. 2007-03 and Zone Change No. 2007-04 are approved;
- 2. The development shall comply with the Mitigation Reporting and Monitoring Program for EIR (SCH #2008021014). A copy is attached hereto and referenced herein; and
- 3. The development shall comply with the Conditions of Approval/Performance Standards in the Site D Specific Plan. A copy is attached hereto and referenced herein.
- 4. At the time that a development plan is formally submitted for Planning Commission consideration, the subsequent plan shall incorporate within its boundaries a neighborhood park of at least 1.3 acres usable area, dedicated to the City, constructed to City standards, within the area designated for commercial

development, adjacent to slope areas or water quality management areas, and which shall incorporate features such as, but not limited to, a tot lot, picnic tables, seating areas and shade structures.

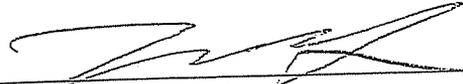
b. TENTATIVE TRACT CONDITIONS

1. The development shall provide parcels, easements or rights-of-way for streets, water supply and distribution systems, sewage disposal systems, storm drainage facilities, solid waste disposal and public utilities providing electric, gas and communications services;
2. The development shall mitigate or eliminate environmental problems identified through the environmental review process, except where a statement of overriding considerations has been adopted in compliance with CEQA;
3. The development shall carry out the specific requirements of Chapter 21.30 (Subdivision Design and Improvement Requirements) and Chapter 21.34 (Improvement Plans and Agreements) of the Subdivision Ordinance;
4. The development shall secure compliance with the requirements of the Subdivision Ordinance and the general plan;
5. Any designated remainder parcels shall not be subsequently sold or further subdivided unless a certificate or conditional certificate of compliance (Chapter 21.28) is obtained in compliance with the Subdivision Ordinance;
6. The development shall dedicate additional land for bicycle paths, and local transit facilities (including bus turnouts, benches, shelters, etc.), in compliance with subdivision map act chapter 4, article 3, where required by the general plan; and
7. The tentative tract map shall be modified to be consistent with the land use plan adopted as part of the Specific Plan.
8. The Final Map shall include a lot delineating the boundaries of the park as prescribed under Subsection B5.a.4 of this Resolution.

The Planning Commission shall:

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

APPROVED AND ADOPTED THIS 11th DAY OF MAY 2010, BY THE PLANNING COMMISSION OF THE CITY OF DIAMOND BAR.

By: 
Tony Torng, Chairman

I, Greg Gubman, Planning Commission Secretary, do hereby certify that the foregoing Resolution was duly introduced, passed, and adopted, at a regular meeting of the Planning Commission held on the 11th day of May, 2010, by the following vote:

| | | |
|----------|----------------|-----------------------------|
| AYES: | Commissioners: | Shah, VC/Nolan, Chair/Torng |
| NOES: | Commissioners: | Lee |
| ABSENT: | Commissioners: | None |
| ABSTAIN: | Commissioners: | None |

ATTEST: 
Greg Gubman, Secretary



Exhibit A

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

FINAL ENVIRONMENTAL IMPACT REPORT – “SITE D” SPECIFIC PLAN STATE CLEARINGHOUSE NO. 2008021014

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

1.0 PROJECT DESCRIPTION

1.1 Project Location

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

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

1.2 Project Description

The City of Diamond Bar (City or Lead Agency) and the Walnut Valley Unified School District (WVUSD or District) own separate properties within the corporate boundaries of the City, separated by an open flood control channel (Brea Canyon Storm Drain Channel) operated by the Los Angeles County Flood Control District (LACFCD or County), a division of the Los Angeles County Department of Public Works (LACDPW). The WVUSD's governing body has determined that the District's approximately 28.71-acre property (Site D or District Property) is unnecessary for future school use and has declared it to "surplus property." The City's 0.98-acre property (City Property) was acquired so that City would have access to property to address future traffic impacts as well as the existing traffic issues in this area. The Brea Canyon Storm Drain Channel (Brea Canyon Channel), which runs generally parallel to Brea Canyon Road, separates the District Property from the City Property. The LACFCD's approximately 0.67-acre facility (County Property) is presently an open box culvert. In accordance with the LACFCD's "Guidelines for Overbuilding and Air Rights," in combination with such other standards and procedures as may be established by the County, leasehold interests in the "air rights" above the channel could be conveyed to a non-County entity, thus allowing the channel to be covered and the lands situated above that facility used for other purposes.

On July 1, 2007 the City and the WVUSD executed a "Memorandum of Understanding" (MOU) whereby the parties agreed to a collaborative planning process for the District Property and the City Property whereby both entities could advance their respective objectives for the disposition of those land holdings. Under the terms of the MOU, as authorized under the provisions of Sections 65450-65457 of the California Government Code (CGC), the City agreed to prepare

and process a "specific plan" for the combined properties for the purpose of establishing design and development parameters for the use of those properties.

The proposed "Site D' Specific Plan" (SDSP) project encompasses approximately 30.36-acres and contains a number of related elements, including both specific actions and activities which are presently before the City of Diamond Bar (City or Lead Agency) and later activities which can be reasonably anticipated as a result of those actions presently under review. From a planning perspective, the Lead Agency is considering the possible adoption of a proposed specific plan (Specific Plan No. 2007-01) authorizing the development of 202 dwelling units and 153,985 gross leaseable square feet of commercial use within the 30.36-acre specific plan boundaries. From a project perspective, it is assumed that the project site would be developed to accommodate those permitted and conditionally permitted land uses authorized under the specific plan and developed to the maximum intensity allowable thereunder.

Based on the site's existing "City of Diamond Bar General Plan" (General Plan) and zoning designations, the proposed project includes a General Plan amendment (GPA No. 2007-03) from "Public Facility (PF)" and "General Commercial (C)" to "Specific Plan" (SP)," with a corresponding zone change (ZC) from "Low Density Residential (R-1 10,000)," "Low/Medium Density Residential (R-1 7,500)", and "Neighborhood Commercial (C-1)" to "Specific Plan (SP)." Also proposed is the approval of a tentative subdivision map (Tentative Tract Map No. 70687) establishing separate residential, commercial, and open space parcels and creating an internal circulation system and establishing easements and other rights-of-way for utility and other purposes. Following the adoption of the specific plan, the City and the Walnut Valley Unified School District (WVUSD or District) may enter into a transferable development agreement for the purpose of facilitating the implementation of the specific plan and the development of the project site. In addition, the District and the City will cooperate in the sale of the District's holdings (District Property) and the City's holdings (City Property) to one or more developers, master builders, end users, or other parties.

1.3 Project Objectives

As more thoroughly described in the FEIR, both the City and the District have established specific objectives concerning the proposed project and/or the project site. It is the objective of the City to promote and facilitate the attainment of those goals, objectives, plans, and policies as contained in the General Plan. Specifically, those objectives include, but are not limited to, the following excerpts from the General Plan: (1) Require that new development be compatible with surrounding land uses (Strategy 2.2.1, Land Use Element); and (2) Balance the retention of the natural environment with its conversion to urban form (Strategy 3.3.1, Land Use Element).

The City has elected to prepare and process a specific plan for the proposed project for the purpose of defining the types of permitted and conditionally permitted land uses that the City believes to be appropriate for the project site and the project setting, to define reasonable limits to the intensity and density of those uses, and to establish the design and development standards for those uses. The following additional broad project objective can be derived from Section 22.60.020 (Applicability) and Section 22.60.060 (Adoption of Specific Plan) in Chapter 22.60 (Specific Plans) of the Municipal Code: Prepare a specific plan which provides for flexibility, encourages the innovative use of land, provides for the development of a variety of housing and other development types, assists in the comprehensive master planning of the project site, and is consistent with the General Plan and other adopted goals and policies of the City.

Since the MOU between the City and the District constitute a declaration of the intent of both parties, that document contains information that can be utilized in the formulation of project objectives. The following additional objectives can be derived from that document: (1) District desires the disposition of the School Property to yield the maximum return to the District for the benefit of its constituents and its educational mission; and (2) City desires that the School Property and the City Property be developed in a manner as to assure compatibility with and to meet the needs of the surrounding area and to provide a desirable level of sales tax revenues to the City.

As further indicated in the MOU, of the usable acreage, it is explicitly specified that a minimum of 50 percent of the property will be designated for residential development and 50 percent will be designated for commercial use, exclusive of necessary infrastructure. Based on those actions, the following additional objectives can be established: (1) With regards to the project site, pursue the establishment of site-specific land-use policies that allow, in reasonably comparable acreage, the development of both commercial and residential uses of the property, accommodating the provision of additional housing opportunities and the introduction of revenue-generating uses; and (2) Establish a specific plan as the guiding land-use policy mechanism to define the nature and intensity of future development and to establish design and development parameters for the project site, so as to allow conveyance of the subject property to one or more developers and/or master builders and provide to the purchasers reasonable assurance as to the uses that would be authorized on the project site and the nature of those exactions required for those uses.

1.3.1 Future Growth Needs

It is a further objective of the City of Diamond Bar to meet its fair share of the region's housing needs. The Regional Housing Needs Assessment (RHNA) is a key tool for local governments to plan for anticipated growth. The RHNA quantifies the anticipated need for housing within each jurisdiction for the 8½-year period from January 2006 to July 2014. Communities then determine how they will address this need through the process of updating the Housing Elements of their General Plans.

The current RHNA was adopted by the Southern California Association of Governments (SCAG) in July 2007. The future need for housing is determined primarily by the forecasted growth in households in a community. Each new household created by a child moving out of a parent's home or by a family moving to a community for employment creates the need for a housing unit. The housing need for new households is then adjusted to maintain a desirable level of vacancy to promote housing choice and mobility. An adjustment is also made to account for units expected to be lost due to demolition, natural disaster, or conversion to non-housing uses. The sum of these factors – household growth, vacancy need, and replacement need – determines the construction need for a community. Total housing need is then distributed among four income categories on the basis of the county's income distribution, with adjustments to avoid an over-concentration of lower-income households in any community.

In July 2007 SCAG, adopted the final RHNA growth needs for each of the county's cities plus the unincorporated area. The total housing growth need for the City of Diamond Bar during the 2006-2014 planning period is 1,090 units. Site D is one of the very few available sites in the City that can significantly contribute toward meeting Diamond Bar's RHNA obligation.

1.3.2 Senate Bill 375

SB 375 (Steinberg) is California state legislation that became law effective January 1, 2009. It prompts California regions to work together to reduce greenhouse gas (GHG) emissions from cars and light trucks. This new law would achieve this objective by requiring integration of planning processes for transportation, land-use and housing. The plans emerging from this process will lead to more efficient communities that provide residents with alternatives to using single occupant vehicles. SB 375 requires the California Air Resources Board (CARB) to develop regional reduction targets for automobiles and light trucks GHG emissions. The regions, in turn, are tasked with creating "sustainable communities strategy," (SCS) which combine transportation and land-use elements in order to achieve the emissions reduction target, if feasible. SB 375 also offers local governments regulatory and other incentives to encourage more compact new development and transportation alternatives.

In order to achieve the greenhouse gas reduction goals set out in California Assembly Bill 32: *The Global Warming Solutions Act of 2006* (AB 32), SB 375 focuses on reducing vehicle miles traveled (VMT) and urban sprawl. AB 32 was the nation's first law to limit greenhouse gas emissions and SB 375 was enacted thereafter to more specifically address the transportation and land use components of greenhouse gas emissions. Through the implementation of regional SCS plans by 2020, the goal of SB 375 is to see a significant decrease in greenhouse gas emissions for the environment and an increase in quality of life for residents.

There are two mutually important facets to the SB 375 legislation: reducing VMT and encouraging more compact, complete, and efficient communities for the future.¹

SCAG and the San Gabriel Valley Council of Governments—the subregional planning organization of which Diamond Bar is a member—are in the process establishing the parameters for an SCS for the subregions comprising the SCAG region. Although the SCS is not yet adopted, many local jurisdictions are making efforts to encourage developments that reduce VMT. The Site D Specific Plan furthers the objectives of SB 375 by facilitating horizontal mixed use with pedestrian connections between the residential and commercial components. In the absence of transit infrastructure (other than bus routes), mixed use developments can play a significant role in local efforts to reduce VMT.

2.0 INTRODUCTION TO FINDINGS

2.1 Format of Findings

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

Section 1.0 (Project Description). This section provides an overview of the proposed project, describes its location, and identifies the project's stated objectives.

Section 2.0 (Introduction to Findings). This section provides an introduction to these Findings, and describes their purpose and statutory and regulatory basis.

Section 3.0 (General Findings). In addition to the specific findings presented herein, this section identifies the general CEQA findings of the Lead Agency

¹ Excerpts from *Senate Bill 375 Factsheet* published by SCAG (2010)

Section 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). This section sets forth findings regarding the significant or potentially significant environmental impacts of the proposed project which cannot feasibly be mitigated to a less-than-significant level based on the threshold of significance criteria presented in the FEIR and which will or may result from the approval, construction, habitation, and/or use of the project and/or the project site.

Section 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). This section sets forth findings regarding the significant or potentially significant environmental impacts of the proposed project which either do not manifest at a level of significance based on the threshold of significance criteria presented in the FEIR or which can feasibly be mitigated to a less-than-significant level through the imposition of standard conditions of approval and/or those mitigation measures included in the FEIR and adopted or likely to be adopted in the project's "Mitigation Reporting and Monitoring Program" (MRMP).

Section 6.0 (Findings Regarding the Mitigation Reporting and Monitoring Program). This section contains findings with regards to the MRMP.

Section 7.0 (Findings Regarding Alternatives not Selected for Implementation). This section provides findings regarding those alternatives to the proposed project which were examined in the FEIR and which were considered by the advisory and decision-making bodies of the Lead Agency as part of their deliberations concerning the proposed project but which were not selected by the City Council for implementation following those deliberations.

Section 8.0 (Project Benefits). This section presents a number of identifiable community benefits attributable to the proposed project.

Section 9.0 (Statement of Overriding Considerations). This section contains the Lead Agency's "Statement of Overriding Considerations" (SOC) setting forth the City's reasons and rationale for finding that specific economic, legal, social, technological, and other considerations associated with or attributable to the proposed project outweigh the project's significant or potentially significant unavoidable adverse environmental effects.

As applicable for each of the above referenced sections, the significant or potentially significant environmental effects identified in the FEIR have been referenced therein. Following each referenced environmental effect, the Lead Agency has identified the findings and facts that constitute the bases for the Lead Agency's actions. The findings set forth in each of the following sections are supported by facts in the administrative record of the proposed project.

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

Except as otherwise noted in the FEIR, the threshold of significance criteria utilized by the Lead Agency to assess the significance of project-related and cumulative impacts are based on those

criterion contained in Appendix G of the State CEQA Guidelines and constitute criterion which have been used by both the Lead Agency with regards to CEQA documentation prepared by the Lead Agency for other projects within the City and by other jurisdictions throughout California.

2.2 Findings of Fact and Statement of Overriding Considerations

The following statement of facts and findings (Findings) has been prepared by the Lead Agency in accordance with the provisions of the California Environmental Quality Act (CEQA), as codified in Section 21000 et seq. of the California Public Resources Code (PRC), and the Guidelines for the Implementation of the California Environmental Quality Act (State CEQA Guidelines), as codified in Section 15000 et seq., in Title 14, Chapter 3 of the California Code of Regulations (CCR), for the SDSP project and for any and all discretionary actions reasonably associated therewith. For planning purposes, the Lead Agency, the Governor's Office of Planning and Research - State Clearinghouse (SCH), and/or other responsible agencies have or may assign case or file numbers to certain actions now contemplated by the City, by the SCH, and/or by those responsible agencies. Those case or file numbers (and the assigning agency) include, but may not be limited to: (1) SCH No 2008021014 (SCH); (2) Environmental Impact Report 2007-02 (City); (3) General Plan Amendment No. 2007-03 (City); (4) Zone Change No. 2007-04 (City); (5) Specific Plan No. 2007-01 (City); and (6) Tentative Map No. 70687.

Reference to the SDSP herein is intended to be inclusive of: (1) each of the above referenced discretionary actions; (2) such additional discretionary and ministerial actions as may be required for or associated with the construction, habitation, occupancy, use, and maintenance of the SDSP and the real property thereupon for the residential, non-residential, and infrastructure-related uses proposed within the geographic area examined in the "Final Environmental Impact Report- 'Site D' Specific Plan, SCH No. 2008021014" (FEIR), whether or not included within the geographic area encompassed by the SDSP; and (4) those standard conditions, mitigation measures, and other conditions of approval as may be imposed thereupon by the City's decision-making bodies and the decision-making bodies of those responsible agencies with jurisdiction thereupon.

The State CEQA Guidelines provide that no public agency shall approve or carry out a project for which an environmental impact report (EIR) has been completed which identifies one or more significant environmental effects on the environment that would occur if the proposed project is approved or carried out unless the public agency makes one or more written findings for each of those significant effects. This document presents the findings of fact and substantial evidence that must be made by the City of Diamond Bar City Council (City Council), acting in that body's capacity as the Lead Agency's decision-making body, prior to determining whether to certify the FEIR and approve or conditionally approve the SDSP.

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

- (1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects, as identified in the final EIR. [This finding shall be referred to herein as "Finding (1)"]
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the findings. Such changes have been adopted by such other agency or can and should be adopted by such other agency. [This finding shall be referred to herein as "Finding (2)"]

- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.
[This finding shall be referred to herein as "Finding (3)"]

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

In accordance with Section 15091 of the State CEQA Guidelines, the City Council makes the following findings for each significant or potentially significant environmental effect identified in the FEIR. Those impacts are categorized under the corresponding topical headings presented in the FEIR. Reference to mitigation measure numbers herein are as presented in the FEIR and may differ from those numbers or notations that may be subsequently assigned should the City Council elect to approve or conditionally approve the SDSP.

As indicated in Section 4.0 (Significant or Potentially Significant Environmental Effects which Cannot Feasibly be Mitigated to Below a Level of Significance) herein, a number of significant environmental effects are identified in the FEIR which cannot be avoided or substantially lessened. In recognition of the continuing existence of significant unavoidable adverse environmental effects, a statement of overriding considerations (SOC), supported by substantial evidence in the record, is, therefore, required in order for the City to approve the SDSP. The SOC for the SDSP is presented in Section 9.0 (Statement of Overriding Considerations) herein and presents the rationale for the City's approval or conditional approval of the proposed project despite the continuing existence of those unavoidable adverse environmental effects.

2.3 Record of Proceedings

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

- (1) "Initial Study," including all documents expressly cited therein;
- (2) "Notice of Preparation" (NOP), "Notice of Completion" (NOC), "Notice of Availability" (NOA), "Notice of Determination" (NOD), and all other public notices issued by the Lead Agency in conjunction with this CEQA process;
- (3) "Draft Environmental Impact Report – 'Site D' Specific Plan, SCH No. 2008021014" and "Technical Appendix - Draft Environmental Impact Report – 'Site D' Specific Plan, SCH No. 2008021014" (DEIR), including all documents incorporated by reference therein and all written comments submitted by public agencies and other stakeholders during the public review periods established by the NOP and NOA;
- (4) Other site-specific and/or project-specific technical studies and exhibits not included in the FEIR but explicitly referenced therein;
- (5) "Response to Comments on the Draft Environmental Impact Report – 'Site D' Specific Plan, SCH No. 2008021014," including all written comments submitted by public