

## Attachment 8

### PLANNING COMMISSION RESOLUTION NO. 2010-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DIAMOND BAR, CALIFORNIA, RECOMMENDING TO CITY COUNCIL CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT (SCH NO. 2008021014) AND RECOMMENDING APPROVAL OF THE MITIGATION REPORTING AND MONITORING PROGRAM AND ADOPT FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE SITE D SPECIFIC PLAN AND TENTATIVE TRACT MAP NO. 70687 FOR A SITE COMPRISED OF APPROXIMATELY 30.36 ACRES LOCATED AT THE SOUTHEAST CORNER OF BREA CANYON ROAD AND DIAMOND BAR BOULEVARD, DIAMOND BAR, CALIFORNIA (ASSESSORS PARCEL NUMBERS 8714-002-900, 8714-002-901, 8714-002-902, 8714-002-903 and 8714-015-001).

#### A. RECITALS

1. On July 1, 2007, the property owner/co-applicant, Walnut Valley School District, and property owner/co-applicant/lead agency, City of Diamond Bar, executed a Memorandum of Understanding whereby the parties agreed to collaborate in the 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 following approvals are requested of the City Council [Items (a) through (d) below are collectively referred to as the "Project"]:
  - (a) General Plan Amendment No. 2007-03 to change the land use designations from Public Facility (PF) and General Commercial (C) to Specific Plan (SP);
  - (b) Zone Change No. 2007-04 to change the zoning districts from Low Density Residential (RL), Low/Medium Density Residential (RLM), and Neighborhood Commercial (C-1) to Specific Plan
  - (c) Specific Plan No. 2007-01 to adopt the Site D Specific Plan for the approximately 30.36 acre site to facilitate the development of a maximum of 202 residential dwelling units; a maximum of 153,985 gross sq. ft. of commercial floor area; 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 Environmental Impact Report, which provides a detailed analysis of potential environmental impacts associated with the development of the Specific Plan area. The Final EIR includes mitigation measures for the project, addresses project alternatives, identifies the environmentally superior project alternative, and adopts a statement of overriding considerations;
3. 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; and
4. 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.

## **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. The Planning Commission hereby finds that the project identified above in this Resolution required an Environmental Impact Report (EIR). EIR (SCH No. 2008021014) has been prepared according to the requirements of the California Environmental Quality Act (CEQA) and guidelines promulgated thereunder. The 45-day public review period for the EIR began June 25, 2009, and ended August 10, 2009. Furthermore, the Planning Commission has reviewed the EIR and related documents in reference to the Project;
3. The Planning Commission based on the findings and conclusions set forth herein, hereby finds and determines that conditions have been incorporated into the Application, which mitigate or avoid significant adverse environmental impacts identified in Environmental Impact Report (SCH #2008021014) except as to those effects which are identified and made the subject of a Statement of Overriding Considerations which this Planning Commission recommends to City Council and finds are clearly outweighed by the economic, social, and other benefits of the proposed project, as more fully set forth in the Statement of Overriding Considerations. The Planning Commission hereby recommends that the City Council certify the EIR to be complete and adequate; and adopt the Findings of Facts and Statement of Overriding Considerations, and Mitigation Report and Monitoring Program attached herein as Exhibits "A" and "B" and hereby incorporated by reference.

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.

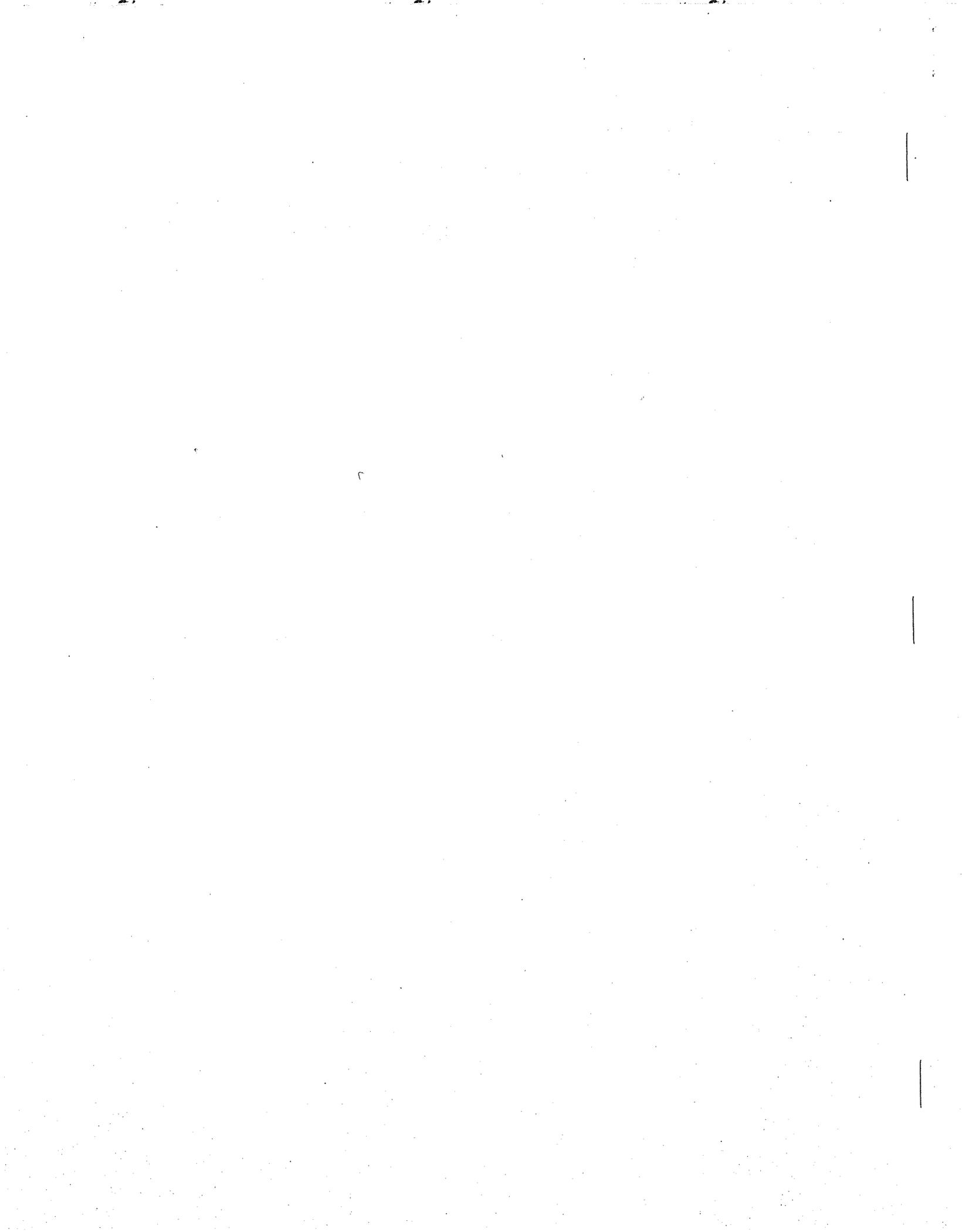
APPROVED AND ADOPTED THIS 11<sup>th</sup> DAY OF MAY 2010, BY THE PLANNING  
COMMISSION OF THE CITY OF DIAMOND BAR.

By:   
Tony Torng, Chairman

I, Greg Gubman, Secretary of the Planning Commission of the City of Diamond Bar, do hereby certify that the foregoing Resolution was duly introduced, passed, and adopted, at a regular meeting of the Planning Commission held on the 11<sup>th</sup> 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



# 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.<sup>1</sup>

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

<sup>1</sup> 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

- 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 SDSF'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 impedance of opportunities for absorption and infiltration of those waters, has the potential to increase the quantity, velocity, and duration of storm waters discharged from the 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.