

the Capital Improvement Fund (CIF) and won't be able to use on operating expense. The school district have in fact over \$100 million in the CIF currently. If the land needs to be developed, let's compromise on something that the City, School Board and its residents can all live with and proud of for years to come (just like the published resolution of DBIA (Diamond Bar Improvement Association) in April 1991 issue of Windmill magazine) -- see attached.

Sincerely,

Judy Leung
(21175 Running Branch Rd., DB)

The New Busy is not the old busy. Search, chat and e-mail from your inbox. [Get started.](#)

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RESOLUTION OF DBIA

Whereas, A 28 acre parcel of land, located in south Diamond Bar at Diamond Bar Boulevard and Brea Canyon Road, and owned by the Walnut School District, is presently proposed for development; and

Whereas, public discussion has focused upon several alternative development options; e.g. a residential subdivision, community parks, undeveloped pristine status; and

Whereas, Citizens of Diamond Bar would benefit from development of the parcel into a major recreational center, featuring ball fields for Little League Softball and soccer, multi-purpose courts for volleyball, basketball, tennis and racquetball; children's play area; paths; passive recreation area; as well as a Community Center Building; would mutually enhance the social and recreational amenities of the Diamond Bar area; and

Therefore Be It Resolved, That the Board of Directors of the Diamond Bar Improvement Association unanimously expresses its strong support for the concept and proposal above; that the 28 acre parcel above described be purchased and developed by the City of Diamond Bar as a total community wide recreational facility; Additionally, should this park be established, then let the perimeter be retained and designated as a wilderness area (Diamond Bar's original heritage) with trails for hiking and botanical studies for our local schools and students. And be it further resolved that this resolution unanimously adopted by the Diamond Bar Improvement Association Board of Directors be transmitted to appropriate City authorities. □

COTTONTAIL CLASSIC A HIT

The 3rd Annual Cottontail Classic was held on Saturday and Sunday, March 16th and 17th. Eight Diamond Bar teams competed with (5) of the teams making it into the finals. These teams included Girls Division 2, Boys Division 2, Boys Division 3, Girls Division 4 (Devesation) and Boys Division 4.

There were 88 teams participating from throughout the Southern California area. The tournament was a smashing success due to the participation of Spring Team parents, coaches, referees, and the following local merchants:

Roma Sports	Dr. Wong, DDS
McDonald's	Schmidt Cannon
Soccer Junction	Albertson's
Alta Sports	Del Taco
New York Seltzer	TriWest Associates
Pepsi Cola	KIIS FM
Denny's	Domino's Pizza
Wendy's	Hudson's Grill
Burger King	Miller Meats
Webster's Waste Mgt.	Butler Paper
Soccer Mania	KMart
Carl's Jr.	Whole Enchilada
Thrifty's	

Our thanks for supporting the Diamond Bar A.Y.S.O. Program. Teams from Diamond Bar will now be competing in the local team play and tournaments throughout California.

Attachment 9

Grace Lee

To: Greg Gubman
Subject: RE: Site D - City of Diamond Bar

-----Original Message-----

From: <cchung1263@roadrunner.com>
Date: Thu, 15 Apr 2010 04:44:23
To: <Steve.Tye@ci.diamond-bar.ca.us>
Cc: <sljleung@hotmail.com>
Subject: Site D - City of Diamond Bar

Mayor Pro Tem Tye:

My name is Chris Chung and I was forwarded your email and wanted to take some time to respond to your email. I hope you don't mind.

There has been a growing number of residents, like myself, who are regular people that have jobs and families and do not get involved in what is happening in our City. But there is a difference if not being involved because of other commitments versus not being informed and knowledgeable of what's going on. I do not wish to argue with anyone on this subject or on any subject for that matter nor desire to make anyone look bad. I want to express my concerns, state fact, and ask the City Council to support its residents, your constituents.

I will be sending the Planning Commission under separate letter a lists of concerns that I have developed just by a cursory review of the documents under a short time frame. I understand that not all residents will be happy. I also understand that not all residents will come away with everything they hoped for. The question to the City Council is have you heard at any meetings on this subject where one resident was happy or where one resident got something they hoped for? I haven't heard of one resident getting a single thing they hoped for. Not one. In fact, you will see that all comments by residents were essentially ignored and set to the sidelines. I was one of the only residents that originally said I wasn't opposed to the development, but that has now changed as I see that my very minor concerns were brushed to the side.

Walnut Valley Unified School District's EIR consultant (I say that because the consultant said he had a 20 year relationship with them) are not doing you or the City Council any favors to protect you, the City and its residents by developing a quality and defensible CEQA document. How do I know that? It doesn't really matter, but I have over 20 years of experience in a related field. The EIR, traffic report and communications on this project are ill-prepared and highly challengeable. I simply ask you to consider the residents' comments with an open mind without any ill-will. We are not attacking the City Council. We are not attacking the City staff. We are asking the City Council to hear us, protect us, and support us. Not Walnut Valley. All blame, if any, for not approving this could be placed on the EIR consultant or even the residents for not wanting it as you will hopefully see. But how can the City Council ever look bad by saying that you have heard from your constituents and they don't want it and you can't support it based on listening to us? You come out the winner, not loser.

The City of Diamond Bar City Council can in fact tell Walnut Valley "NO," we do not want your proposed project. Other cities have turned down proposed projects by property owners. The City of Inglewood told Wal-Mart "No, we don't want you." The City of West Covina City Council told Foothill Transit that they didn't want their proposed Specific Plan for a Park and Ride parking structure off of Vincent Avenue. A City can turn down any project in which

the City feels is a negative impact to the community. It's a matter of whether the City wants to turn it down.

You are correct that as a property owner, that property owner has the right to develop the property. But only to the limits for which the property is zoned for. Currently, I understand that Site D is zoned for single family housing only. If that is correct, they can only developed single family homes and what's wrong with that? It complements the area. Others may disagree as they may want no development. The proposed Specific Plan is actually intensifying the land use and multi-family high density housing is not compatible with the area. I understand that the City may want a commercial component to increase the City's tax base. I'm all for that as long as impacts are addressed and mitigation measures are carried out. But that is clearly not the case.

I do disagree with the statement "We have a responsibility that, if they are going to develop it, we provide them with a specific plan as to what can and cannot be included on the property." Perhaps you meant that you have a responsibility to consider a specific plan, but the City is under no obligation to approve a specific plan if it deems that plan to be detrimental to the City of Diamond Bar. I hope you agree with that. As long as the zoning for the site does not change, they are limited as to what they can do. However, even then they must mitigate impacts. But in no event can they currently develop high-density housing on site.

If it is your understanding that the City Council must approve a specific plan or cannot say no, I ask you to please check with your City Attorney. If you need any documentation to show that other City Councils have said no to projects, I would gladly provide such information.

One last item that I will be informing others, at the last Planning Commission meeting, I was sitting behind the representatives from Walnut Valley School District. They were laughing and making fun of several residents' comments during public comment. That is no lie and not made up. I found those actions to be unprofessional and offensive. I hope that it is also offensive to you as our City Council.

I urge you to please consider the comments not only here, but all comments submitted by me and other residents. There has been no attempts by the EIR consultants to address any concerns, develop dialogue, or seek compromises. I hope that your mind is not made up on this matter and that with the information that is forthcoming, you will side with the residents that have taken the time to speak out. Not one resident has yet spoken in support and not all residents in opposition have come out to speak up as well.

Thank you for your valuable time.

--

Christopher Chung

From: Steve.Tye@ci.diamond-bar.ca.us
To: sljleung@hotmail.com
Date: Tue, 13 Apr 2010 12:04:09 -0700
Subject: RE: Objection to "Site D Specific Plan"

Hello Ms. Leung,

Thanks for taking the time to make your City Council aware of your concerns.

It is important to have scoping meetings like the one you attended at Heritage Park. Not every resident is going to come away with everything they hope for, but it is an opportunity to have input. The Walnut Valley School District owns that property and, as a property owner, they have a right to develop their property. We have a responsibility that, if they are going to develop it, we provide them with a specific plan as to what can and cannot be included on the property. We cannot simply say "No, you cannot develop it", as they have property rights just like you and I do with the property we own.

I hope you will take the opportunity to participate in the public hearing to be held by the Diamond Bar Planning Commission Tuesday evening, April 13th, and provide your input.

Thanks again for taking the time to share your views.

Sincerely,

Steve T ye

Mayor Pro Tem

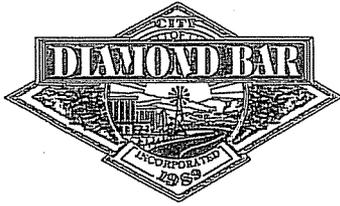
Diamond Bar

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PLANNING COMMISSION AGENDA REPORT

CITY OF DIAMOND BAR ~ 21825 COPLEY DRIVE ~ DIAMOND BAR, CA 91765 ~ TEL. (909) 839-7030 ~ FAX (909) 861-3117

- ITEM NO.** 8.1
- DATE:** May 11, 2010
- CASE/FILE NUMBER:** CONTINUED "Site D" Specific Plan -
General Plan Amendment No. 2007-03, Zone Change No. 2007-04, Specific Plan No. 2007-01, Tentative Tract Map No. 70687, and Environmental Impact Report 2007-02 (SCH No. 2008021014).
- PROJECT APPLICANT:** Walnut Valley Unified School District and City of Diamond Bar
- LEAD AGENCY:** City of Diamond Bar, Community Development Department
- PROJECT LOCATION:** Site D is comprised of approximately 30.36 acres located at the southeast corner of Brea Canyon Road and Diamond Bar Boulevard (Los Angeles County Assessor's Parcel Numbers 8714-002-900, 8714-002-901, 8714-002-902, 8714-002-903 and 8714-015-001).
- APPLICATION REQUEST:** To recommend that the City Council take the following actions:
1. Certify **Environmental Impact Report 2007-02** which provides a detailed analysis of potential environmental impacts associated with the development of the Specific Plan area. The Environmental Impact Report (EIR) includes mitigation measures for the project, addresses project alternatives, and identifies the environmentally superior project alternative. Because the project will result in environmental impacts that cannot be mitigated to less than significant levels, adoption of a Statement of Overriding Considerations would be required before the City Council can approve the Specific Plan.
 2. Adopt **Findings of Fact and Statement of Overriding Considerations** for the Site D Specific Plan based on findings that the Specific Plan would result in identified economic and social benefits that will accrue to the City, the School District, and the region, and important public policy objectives will result from the implementation of the proposed Specific Plan. Therefore the proposed Specific Plan's identified

benefits override the significant environmental impacts that cannot be mitigated, to less-than-significant levels.

3. Adopt General Plan Amendment No. 2007-03 to change the land use designations from Public Facility (PF) and General Commercial (C) to Specific Plan (SP).
 4. Adopt 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.
 5. Adopt Specific Plan No. 2007-01 to adopt the Site D Specific Plan for the approximately 30.36-acre site for the construction of up to 202 residential dwelling units; up to 153,985 gross sq. ft. of commercial; and approximately 10.16 acres of open space areas, easements and rights-of-way. The Specific Plan contains development standards and guidelines tailored to take into account the physical characteristics of the property and its context, and to prescribe design criteria that will govern the future build-out of the site.
 6. Approve 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.
-

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission take the following actions:

1. Adopt the attached resolution (Attachment 1) recommending that the City Council certify the Final Environmental Impact Report, approve the Mitigation Reporting and Monitoring Program, and adopt the Findings of Fact and Statement of Overriding Considerations for the Site D Specific Plan and related Zone Change, General Plan Amendment, and Tentative Tract Map;
 2. Adopt the attached resolution (Attachment 2) recommending that the City Council approve General Plan Amendment No. 2007-03 to change the land use designations from Public Facility (PF) and General Commercial (C) to Specific Plan (SP); and Zone Change No. 2007-04 to change the zoning map designations from Low Density Residential (RL), Low/Medium Density Residential (RLM), and Neighborhood Commercial (C-1) to Specific Plan; and
 3. Adopt the attached resolution (Attachment 3) recommending that the City Council approve Specific Plan No. 2007-01 to establish land use and development standards to facilitate and govern the development of up to 202 residential dwelling units, up to 153,985 gross sq. ft. of commercial floor area; and approximately 10.16 acres of open space areas, easements and rights-of-way; and 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.

SUMMARY:

At the April 27, 2010 meeting, the Planning Commission continued its discussion of the Site D Specific Plan and Final Environmental Impact Report to May 11, 2010. Three of the four commissioners expressed the intent to recommend certification of the Environmental Impact Report, and adoption of the General Plan Amendment and Zone Change. The same three Commissioners also expressed support for the Specific Plan with the addition of a provision to incorporate a neighborhood park feature into the plan, directed staff to prepare a revised resolution that reflects the majority's recommendation, and continued the matter to May 11, 2010.

As discussed at the last meeting, staff recommends that the Commission add a condition of approval to Resolution 3—under Subsections B.5.a and, if warranted, B.5.b—that incorporates appropriate language to require park features into the future development plans for Site D. However, the precise language for this condition must be specified by the Commission. To assist in this task, staff prepared an analysis of neighborhood parks in the City, ranging in size from 0.3 to 3.4 acres, so that the Commission has a better general understanding of the types and numbers of amenities that parks of various sizes can accommodate.

Because there was not consensus among the commissioners as to whether a separate, dedicated public park should be required, or if one or more active public spaces with park-like amenities should be incorporated into the commercial component of the Site D Specific Plan, a discussion of planning principles for the creation of commercial public spaces is also provided. This concept will be supplemented by an interactive design exercise during the May 11th meeting.

Nor was there consensus regarding specifying a location for the park space, as some Commissioners expressed the opinion that the location and configuration should be determined at the design development phase of Specific Plan buildout. For this reason, potential locations for the park space are not addressed in this report.

The options presented herein for the Commission's consideration with respect to the incorporation of a park/public space component are thus summarized as follows:

- A dedicated public park of a minimum specified acreage and amenities such as a tot lot, picnic tables and shade structures; or
- The integration of one or more public spaces into the future commercial development, comprised of a minimum specified aggregate acreage, that incorporates amenities such as a tot lot, picnic tables, shade structures and public art.

Regardless of the option the Commission chooses to incorporate into its recommendation to the City Council, a future development proposal to implement the Specific Plan will be subject to subsequent review and approval by the Commission. Specifying the criteria on acreage and type of amenities now does not tie the Commission down to approving a future proposal that simply meets the letter of those criteria: the Commission will have the opportunity to review a development project for consistency with the intent from which those criteria were formulated. In addition, the City has at its disposal a preliminary project review process, where there is the opportunity for the Commission to review the future development project at earlier conceptual stages in the submittal process. The Commission can provide input and direction before the project is further refined. This process can be done in a study session format, or as a regular business agenda item.

Option #1: Traditional Public Park Space:

To give the Commission an idea of the type, size, facilities, and amenities of existing parks in the City, please refer to the inventory below. As shown, parks sized at one acre or less will accommodate all of the desired amenities previously discussed by the Commission, and could even facilitate small sports courts. Larger acreages are required to accommodate sports fields and the needed buffers around them. Taking into consideration that the nearby Heritage Park and Castle Rock Elementary School provide ball fields, and these were not features that the Commission expressed interest in previously, a park sized at approximately one acre may be an appropriate recommendation for the Commission to forward to the City Council.

Advantages of a Public Park Space

- Increases park space serving the neighborhood;
- Provides public amenities that residents can enjoy; and
- Affords the City full control over the maintenance, programming, and long-range planning after the park is constructed.

Disadvantages of a Public Park Space

- Requires ongoing City maintenance costs such as expense and liability for providing such a facility;
- Depending on the size, may impact the type and size of a commercial development. The opportunity to incorporate significant, pedestrian-oriented amenities into the commercial development may be constrained.
- May require renegotiation of the MOU between the City and School District for the disposition of the Site D property.

Suggested Resolution Language (*Planning Commission to specify acreage*):

B.5.a.4) "At the time that a development plan is formally submitted for Planning Commission consideration, the subsequent plan shall incorporate within its boundaries

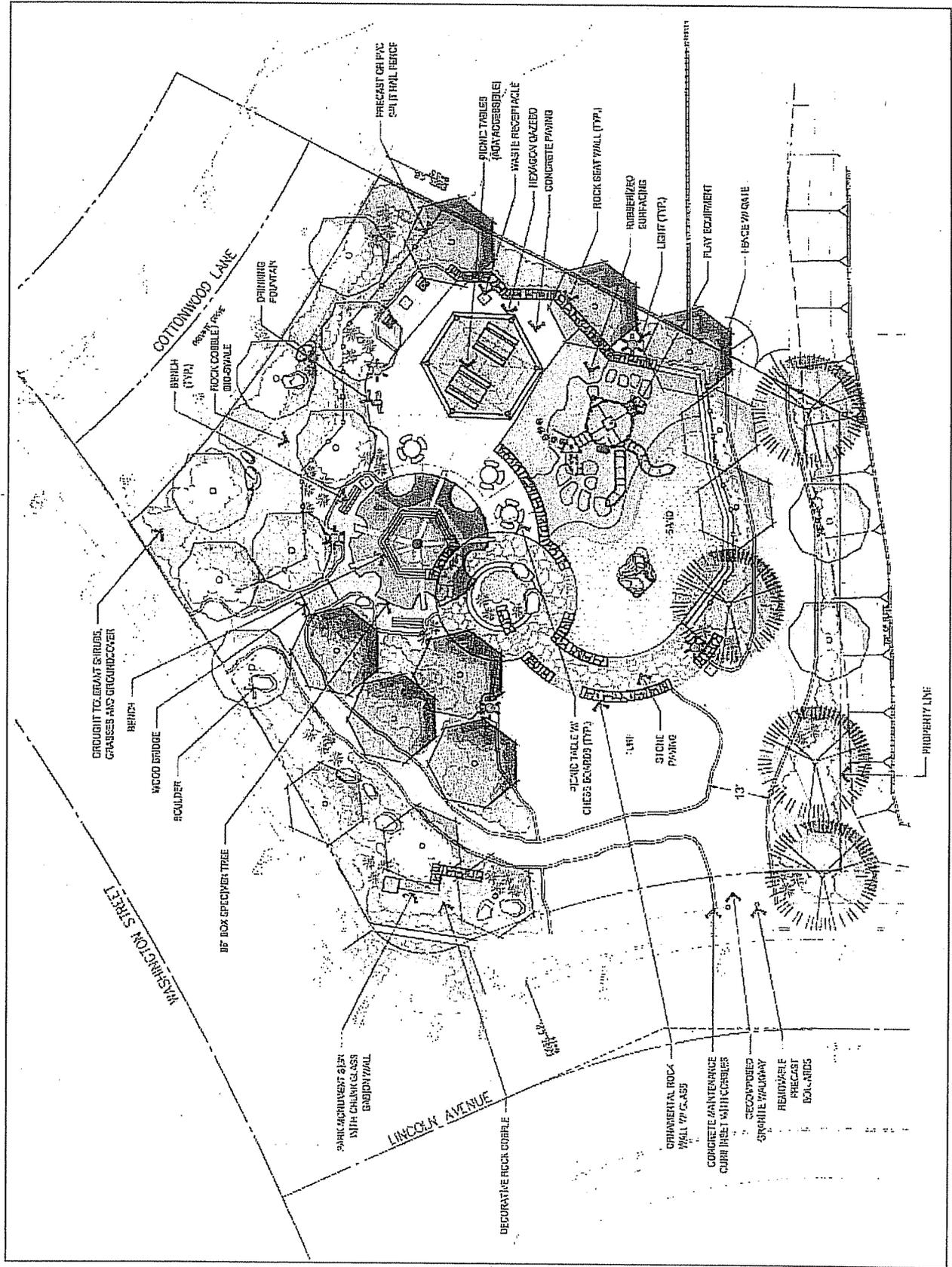
a neighborhood park of at least ___ acres, and shall incorporate features such as, but not limited to, a tot lot, picnic tables, seating areas and shade structures.”

B.5.b.8) “The Final Map shall include a lot delineating the boundaries of the park as prescribed under Subsection B.5.a.4 of this Resolution.”

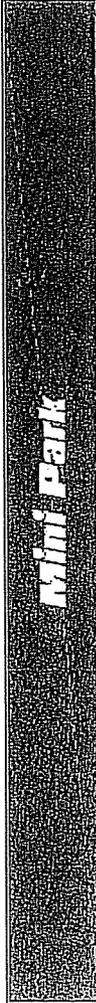
Inventory of Existing and Approved Parks

Park	Size	Amenities
Washington Street Park (approved for construction)	0.3 Acres	<ul style="list-style-type: none"> ◦ Tot Lot ◦ Open Green Space ◦ Gazebo ◦ 5 Picnic Tables ◦ 3 Benches ◦ Decomposed Granite Walkway
Longview Park North	0.8 Acres	<ul style="list-style-type: none"> ◦ Tot Lot ◦ Open Green Space ◦ 2 Benches ◦ Paved Walking Trail
Longview Park South	0.9 Acres	<ul style="list-style-type: none"> ◦ Basketball Court ◦ Turf Volleyball Court ◦ Tot Lot ◦ 2 Picnic Tables ◦ 1 BBQ
Stardust Park	0.9 Acres	<ul style="list-style-type: none"> ◦ Tot Lot ◦ Open Green Space ◦ 2 Benches ◦ Paved Walking Trail
Summitridge Mini Park	1 Acres	<ul style="list-style-type: none"> ◦ Open Green Space
Starshine Park	2 Acres	<ul style="list-style-type: none"> ◦ Tot Lot ◦ Open Green Space ◦ 2 Picnic Tables ◦ 3 Benches ◦ 1 BBQ ◦ Concrete Walkway
Heritage Park	3.4 Acres	<ul style="list-style-type: none"> ◦ Softball Field ◦ Tot Lot ◦ Open Green Space ◦ Community Recreation Building ◦ 5 Picnic Tables ◦ 3 BBQs ◦ Concrete Walkway

Washington Street Park - 0.3 Acres

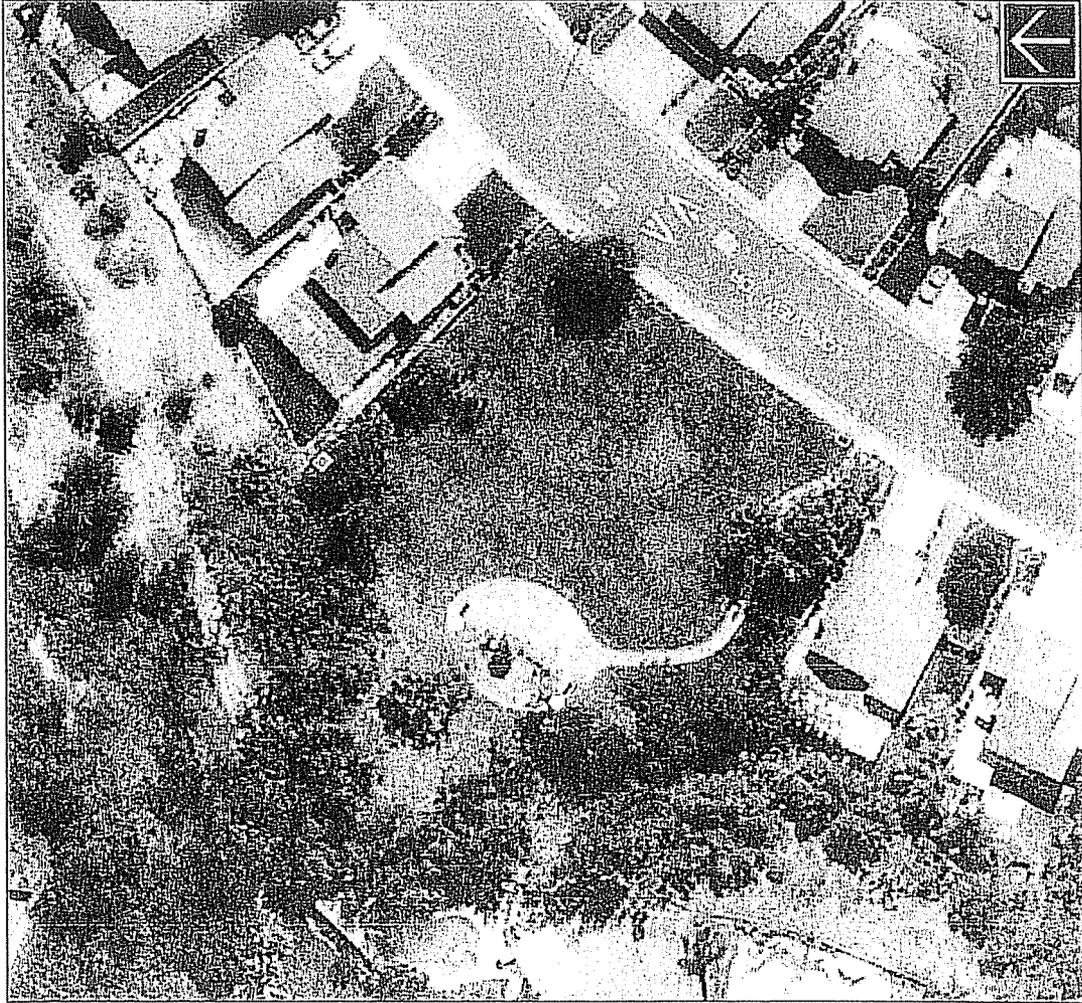


Longview Park North – 0.8 Acres



Longview Park North

1073 Longview Drive Diamond Bar, CA. (800) 397-4476



- 2 Benches
- 1 Dog Bag Dispenser
- 1 Open Green Space
- 1 Paved Walking Trail
- 2 Trash Receptacles
- 1 Tot Lot

- 1 Bench
- 1 Trash Receptacle
- 1 Dog Bag Dispenser
- 1 Irrigation Control

.80 Developed

Parking Surface: Asphalt

Security Lighting: Limited

Not Lighted, Condition Is Good

Agos 2-12 Rubber/Sand



Longview Park South - 0.9 Acres

Longview Park South

1630 Longview Drive Diamond Bar, CA, (909) 387-4475

Mini Park



Site Information

- 1 BBQ's
- 1 Small Size Basketball Court
- 1 Dog Bag Dispenser
- 1 Open Green Space
- 2 Picnic Tables
- 2 Trash Receptacles
- 1 Tot Lot
- 1 Turf Volleyball Court
- 1 Volleyball

Legend

- BBQ's
- Trash Receptacle
- Dog Bag Dispenser
- Picnic Table
- Irrigation Control

Notes

00 Developed
 Parking Surface: Asphalt
 Security Lighting: No

Site Specific Information

Small Court, Not Lighted; Existing Court Size is to Small to Meet Standards
 Not Lighted, Condition is Good

Other Equipment

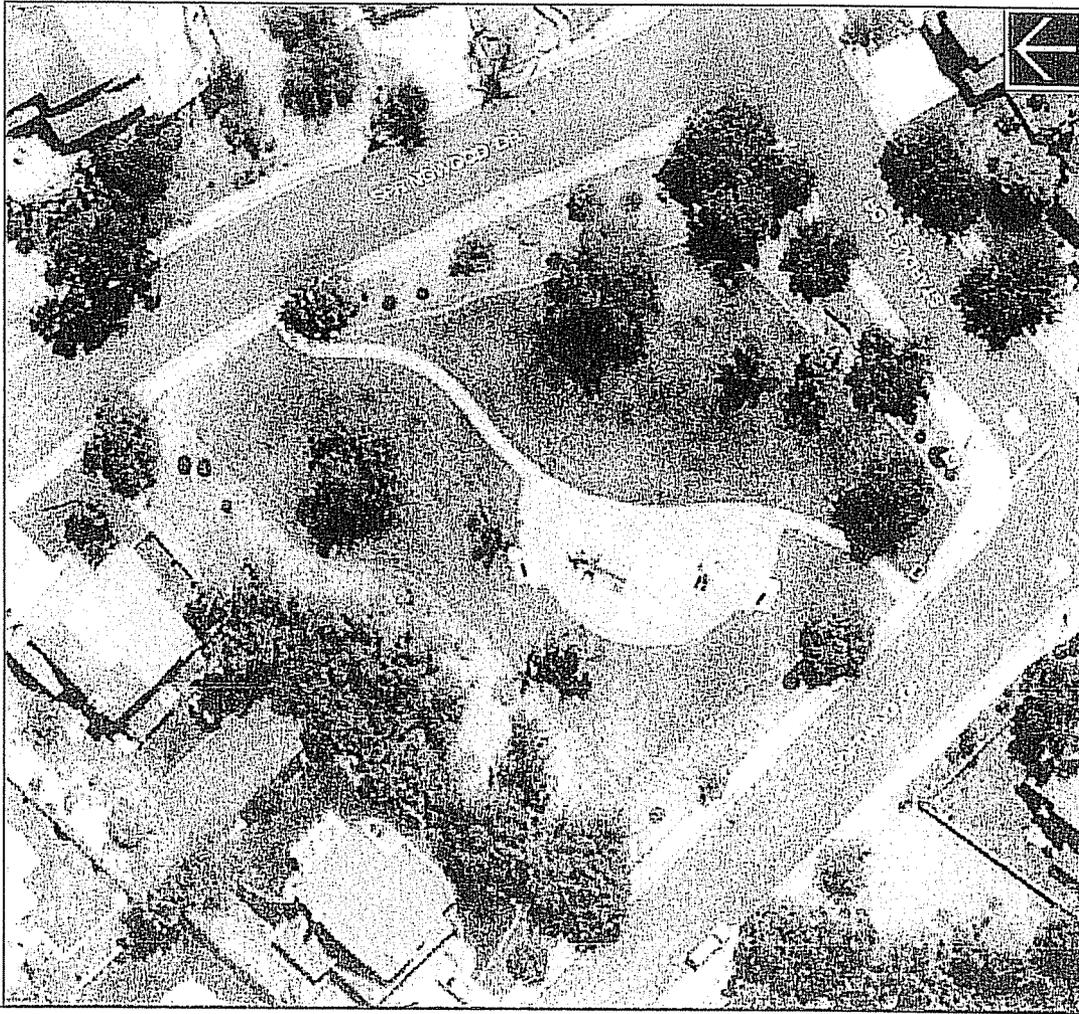
Ages 2-5 Sand
 Ages 5-12 Sand
 Play Area Does Not Meet ADA and CPSC Standards



11a

Stardust Park – 0.9 Acres

Mini park



Stardust park

1322 Stardust Drive, Diamond Bar, CA, (909) 397-4475

STRENGTHS

- 2 Benches
- 1 Dog Bag Dispenser
- Open Green Space
- 1 Paved Walking Trail
- 2 Trash Receptacles
- 1 Tot Lot

WEAKNESSES

- Bench
- Trash Receptacle
- Dog Bag Dispenser
- Irrigation Control

OPPORTUNITIES

.91 Developed

THREATS

Parking Surface: Asphalt
Security Lighting: No

CONCERNS

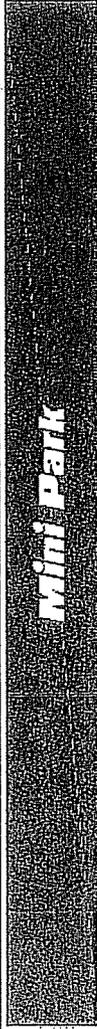
Not Lighted: Condition is Good

RECOMMENDATIONS

Apps 2-5 Sand
Ages 5-12 Sand
Play Area Does Not Meet ADA and CPSC Standards



Summitridge Mini Park -- 1 Acre



**Summitridge
Mini Park**

1307 Summitridge Drive Claremont Bar, CA, (909) 387-4475

Site Information

- 1 Open Green Space

Irrigation

Irrigation Control

Land Use

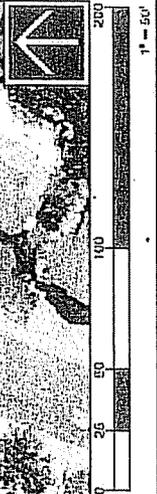
1.04 Developed

Site Conditions

Parking Surface: Asphalt
Security Lighting: Limited

Site Security

Not Lighted, Condition is Good



Starshine Park - 2 Acres

Mini Neighbourhood Park



Starshine Park

20839 Starshine Road Diamond Bar, CA, (909) 387-4476

- GENERAL EQUIPMENT:**
- 1 BBQ's
 - 3 Benches
 - 1 Dog Bag Dispenser
 - 1 Drinking Fountain (ADA)
 - 1 Open Green Space
 - 1 Park Monument Sign
 - 1 Paved Walking Trail
 - 2 Picnic Tables
 - 4 Trash Receptacles
 - 1 Tot Lot

- UTILITIES:**
- 1 Bench
 - 1 Trash Receptacle
 - 1 Dog Bag Dispenser
 - 1 BBQ's
 - 1 Drinking Fountain
 - 1 Picnic Table
 - 1 Irrigation Control

- CONSTRUCTION:**
- 2 Developed

- CONSTRUCTION:**
- 1 Parking Surface: Asphalt
 - 1 Security Lighting: Limited

- CONSTRUCTION:**
- 1 Not Lighted, Condition is Good

- CHILDREN'S EQUIPMENT:**
- 1 Ages 2-5 Rubber/Sand
 - 1 Ages 6-12 Rubber/Sand



Heritage Park - 3.4 Acres

Neighborhood Park

Heritage Park

2800 S. Bree Canyon Rd., Diamond Bar, CA, (909) 397-4175



EXISTING CONDITIONS

- 3 BBQ's
- 1 Bicycle Rack
- 2 Bleachers (6 row)
- 1 Community Building
- 5 Drinking Fountains (ADA)
- 2 Dog Bag Dispensers
- 1 Flagpole
- 1 Hot Coals Receptacle
- 1 Open Green Space
- 1 Park Monument Sign
- 1 Paved Walking Trail
- 5 Picnic Tables (ADA)
- 2 Restrooms
- 1 Softball Field
- 4 Storage Bins
- 1 Telephone
- 1 Trash Enclosure
- 11 Trash Receptacles
- 1 Tot Lot
- 1 Vending Machine

PROPOSED CONDITIONS

- 1 Bike Rack
- 1 Flag Pole
- 1 Drinking Fountain
- 1 Telephone
- 1 BBQ's
- 1 Trash Enclosure
- 1 Trash Receptacle
- 1 Vending Machine
- 1 Storage Bin
- 1 Dog Bag Dispenser
- 1 Bench
- 1 Hot Coals Receptacle
- 1 Bleachers
- 1 Picnic Table
- 1 Irrigation Control

3.4 Developed

- 40 Standard - 2 Handicap
- Parking Surface: Asphalt
- Security/Lighting: Yes

REMARKS

- Outdoor Women: 2 stalls, 1 sink
- Outdoor Men: 1, urinal, 1 retail, 1 sink
- Indoor Women: 3 stalls, 2 sinks
- Indoor Men: 2 stalls, 2 urinals, 2 sinks

SPORTS EQUIPMENT

- Full Court: Lighted
- Game Field Lighted, Backstop, Infield: Field
- Condition is Good

CHILDREN'S EQUIPMENT

- Agos 2-5 Rubber/Sand
- Agos 6-12 Rubber/Sand



Option #2: Interactive Public Open Space:

Concept

Incorporate one or more interactive public open spaces such as social gathering spaces with a park-like feel, to include public amenities such as benches, shade trees, water features, landscaping, tot lot, outdoor dining areas, public art, etc. integrated into the commercial development. The spaces shall be of sufficient size and shape to accommodate the amenities and features, subject to Planning Commission review to ensure the intent of the public open space is met. An example of these public amenities can be found in well known popular developments such as the Grove in Los Angeles and The Americana at Brand in Glendale. A more local, but less intensive example can be found in the recently expanded Claremont Village public plaza.

An interactive design exercise will be conducted at the Planning Commission meeting to illustrate more clearly the opportunities for incorporating public spaces into the commercial component.

Advantages of an Interactive Public Open Space

- Takes into account the Memorandum of Understanding between the City and the Walnut Valley Unified School District that stipulates a minimum of fifty percent of the designated area for residential development and fifty percent designated for commercial use, exclusive of necessary infrastructure;
- Allows a potential developer to creatively design the site with a quasi-public space by having the public open space area incorporated and designed at the B level map; and
- Creates a focal point in the commercial component with a complementary public space to support the commercial development. Adding the interactive public open space area can enhance the commercial component as well as enhance the experience to visitors and residents of the area.

Disadvantages of an Interactive Public Open Space

- Certain amenities found in a traditional neighborhood park, such as barbecue and picnic facilities, and small sport courts, may not be feasible in this type of a setting.
- The City would not own the property or facilities comprising the spaces, and would not have the opportunity to program or revise the features after initial development is completed.

Suggested Resolution Language (*Planning Commission to specify acreage*):

B.5.a.4) "At the time that a development plan is formally submitted for Planning Commission consideration, the subsequent plan shall incorporate within the commercial development, one or more interconnected public open spaces, consisting of a total aggregate area of at least ___ acres, and shall incorporate features such as, but not limited to, a tot lot, picnic tables, seating areas, shade structures and public art."



Public Plaza, The Village, Claremont, California

NOTICE OF PUBLIC HEARING:

The project was continued from the April 27, 2010 Planning Commission meeting, and therefore no further noticing was required. For the April 13, 2010 public hearing, notices were mailed to property owners within a 1,000-foot radius of the project site on March 22, 2010, and the notice was published in the Inland Valley Daily Tribune and San Gabriel Valley Tribune newspapers on April 2, 2010. The project site was posted with a notice display board, and a copy of the public notice was posted at the City's three designated community posting sites. The draft Specific Plan and Environmental Impact Report were also posted on the City's website, and hard copies are available for review at City Hall and the Diamond Bar Branch of the Los Angeles County Library.

As of this writing, two letters were received in opposition to the proposed Specific Plan, and are included as Attachments 5 and 6.

ERRATA

In the April 13 and 27, 2010 resolutions, the existing zoning designation for the project area was listed as Low Density Residential (RL) and Neighborhood Commercial (C-1), but should have stated Low Density Residential (RL), Low/Medium Density Residential (RLM), and Neighborhood Commercial (C-1). This correction has been incorporated into the attached resolutions.

Prepared by:



Grace S. Lee
Senior Planner

Reviewed by:



Greg Gubman, AICP
Community Development Director

Attachments:

1. Draft Resolution No. 2010-XX (Recommending Certification of the DEIR and Adoption of the Mitigation Reporting and Monitoring Program)
2. Draft Resolution No. 2010-XX (Recommending Approval of GPA and ZC)
3. Draft Resolution No. 2010-XX (Recommending Approval of SP and TTM)
4. Draft PC Minutes of April 27, 2010
5. Letter from Christopher Chung dated May 6, 2010
6. Letter from Judy Leung dated May 5, 2010

Attachment 5

May 6, 2010

City of Diamond Bar Planning Commission
C/O Grace Lee
City of Diamond Bar
21825 Copley Drive
Diamond Bar, CA 91765

SUBJECT: SITE D SPECIFIC PLAN AND ENVIRONMENTAL IMPACT REPORT

Mr. Chairman and Members of the Planning Commission:

At the April 27, 2010 Planning Commission meeting, City staff indicated that there were some factual errors in my letter that needed to be addressed. In response, I would like to address factual errors, which should be considered before you proceed.

I have stated in my letter that my opinions are based on a cursory review of a large volume of documents and therefore there may be errors. However, as proof that I am human and do make errors, I also raised some really good points that would be an error for the City to overlook. While staff addressed a few of the issues that they felt were incorrect, I feel that some important issues were glossed over and perhaps misdirected away from. I am not going to redress every issue in detail as it has been already stated in my previous letter that I believe still has merit, but I am going to readdress (and add) a few.

1. Objectivity and Independent: While staff is correct that TRG Land is not the environmental consultant or the traffic consultant, the environmental consultant and traffic consultant are sub-consultants to TRG and take direction and payment from TRG Land directly. As a result, the potential issue of conflict of interest, objectivity and not being independent still remains as TRG Land has indicated that they have over a 20-year relationship with the School District. The City should have hired a team that did not have any prior relationship to either the City or Walnut Valley Unified School District to ensure independency. The selection of TRG Land was not based for the purpose of creating an objective independent evaluation, but to minimize potential issues to further the goals of the MOU. The hiring of the consultant was not developed out of a competitive bid process, but was solely based on past relationships with the School District and negotiated as a condition of the MOU (Section 1.1 of the MOU).

The genesis of the Specific Plan and EIR does not appear to be about protecting and serving the residents; nor has it been about wanting to obtain community input. The purpose of the Specific Plan and EIR appears to be to justify the intent of the MOU to increase land use intensity for 50% housing and 50% commercial in order that the District and City can capitalize on the sale of one large property at a higher value. The more money the District makes on the sale of the property, the more money the City will also receive from the increased value of the City's share of 4.6 percent of land sale proceeds. It is also about the City not losing money. Should the City not approve a Specific Plan by November 4, 2010, the District does not have to reimburse the City for the cost of consultants paid for the preparation of the Specific Plan, traffic report and EIR and the City stands to lose \$334,221.25. As a result, the City is motivated, if not already committed, to approve any specific plan and EIR by November 4, 2010 just to ensure that the City does not lose money, regardless if the Specific Plan and EIR are flawed and inadequate. This type of arrangement is highly irregular and has set up the process to fail in protecting and representing the residents from the very beginning. The City should be reviewing the Specific Plan for land use compatibility and benefits (amenities and tax revenues) and not for economic gain or loss.

2. Notification of residents within a 1,000-foot radius. Staff pointed out that one of my factual errors in my letter is stating that the City exceeded its 700 feet radius noticing requirement. I would like to point out that the information that the City's noticing requirement is 700 feet (not 1,000) was provided to others and me from the Community Development Department. As such, I commented on incorrect factual information that was provided to me. I understand that mistakes may happen, but it is not encouraging or comforting that the error is identified as one of my factual errors instead of the Department's. But in any case, it draws concerns of accuracy of the information being provided to the public and to the Planning Commission. It further illustrates that the City is only meeting the bare legal requirement versus going beyond and informing and involving residents in the process.
3. Traffic Study: The current (3-year old) traffic study contained in the EIR has several major flaws that cannot be overlooked and if addressed properly, would require re-circulation of the Traffic Study and EIR. Any "Significant New Information" must and should be considered and studied.
 - a. The traffic report may have been submitted to the City in 2009, but the traffic study is based on a 2007 traffic counts, which is evident on the fact that the traffic study reports "existing 2007" traffic and projects 2010 traffic. If the traffic report was updated, the traffic report should state existing 2009 traffic, not 2007. As a result, the consultant's statement that the traffic report was updated one year ago is factually incorrect. In November 2008, the City paid for an additional traffic study to focus only on a double left from Diamond Bar Boulevard into project for \$2,500.00. It is not clear whether this 2008 study is included as the report still references 2007 traffic counts.

- b. Staff has not addressed the concern that the cumulative impact of traffic and mitigation is not based on current recent growth within and nearby the City. One major project, which has been recently better defined and has significant impacts to the City of Diamond Bar and adjacent communities, is the Industry NFL stadium. The EIR only looks at the previous defined mixed-use project. The NFL Stadium will have different traffic impacts not yet known as no one has studied it. Industry received a waiver from the Governor and Diamond Bar is ignoring the newly redefined project. This is a major deficiency. The traffic report should be updated to reflect the cumulative impacts of the NFL Stadium, which will increase cumulative traffic impacts on the freeways and on in all major intersections in the City.
- c. While staff was correct that the traffic report did include projected traffic of the Diamond Hills Plaza shopping center, the old 3-year traffic study was completed prior to the opening of the Super H Supermarket and new adjacent retail uses and does not reflect actual current traffic. The City's consultant stated at the April 13, 2009 Planning Commission meeting that that an updated traffic study was completed about one year ago. If an updated traffic study was completed one year ago, why has it not been disclosed or included in the EIR? If public funds were used to pay for the updated traffic study, the report should be disclosed and included in this EIR. This draws question as to whether the updated study found additional impacts that were not addressed. The non-disclosure of all information is a basis for the comment period not being closed, as all information has not been fully disclosed for public review and comment. A new traffic study must be completed to reflect accurate cumulative impacts of newly identified projects and impacts. The revised traffic study and revised EIR needs to be re-circulated.
- d. The traffic study failed to analyze worse case scenario for the high-density residential units. The Specific Plan and EIR state that the project can be granted a density bonus of 25% more units if the project is developed as affordable units. However, the traffic study ONLY analyzes trips generated from the 202 residential units, not the full potential of 253 units (202 units times 1.25 = 253 units). As a result, the traffic study is inadequate and flawed. A new traffic study must be completed to reflect the total potential density of 253 residential units and the traffic study and revised EIR needs to be re-circulated.
- e. The traffic study failed to analyze worse case scenario or maximum intensity for the commercial development. The traffic engineer used ITE category 820 for shopping centers (an integrated group of commercial establishments planned, developed, and owned as a unit). Typically, a traffic study of this type would be based on a proposed or better-defined project, as different percentages of office space would have varying impacts to AM and PM peak traffic. The Specific Plan and EIR state that the types of use can include commercial retail, office, restaurants, and so on. As a detail plan has not been developed, the project should be analyzed for impacts for different possible scenarios and the Lead Agency should select the scenario that generated the most AM and PM peak traffic and

impacts to mitigate. One very possible scenario is the development of all office buildings that would have significant traffic impacts to AM and PM peak traffic. As a result, the traffic engineer should have also analyzed traffic impacts based on an office park category, such as ITE category 720 "Office Park." As the traffic study did not analyze the worse case scenario, the traffic study is inadequate and flawed. A new traffic study must be completed and the traffic study and revised EIR needs to be re-circulated.

- f. The traffic study did not include three (3) intersections (Cold Spring Lane and Castlerock, Brea Canyon Road and Cold Spring Place, and Brea Canyon Road and Copper Canyon Drive). Copper Canyon Drive and Brea Canyon Road is the first intersection just 850 feet south of the site. Brea Canyon Road and Cold Spring Place is approximately 1,535 feet north of the site and Cold Spring Lane and Castlerock is approximately 2,600 feet away from the site. These close intersections were not analyzed and mitigated and will be further impacted by the proposed development. It is completely unacceptable to say that there will not be any impact to these intersections without analyzing and proving that there will not be any impacts. A new traffic study must be completed to include these three intersections and the traffic study and revised EIR needs to be re-circulated.
- g. With respect to traffic impacts leading to and away from Castlerock Elementary (and Cold Spring Lane and Castlerock and Cold Spring Place and Brea Canyon Road), the Lead Agency cannot ignore potential traffic impacts based on the traffic consultant's representation that the LA County Sheriffs should regulate such traffic impacts. That is completely and utterly unacceptable to not study intersections and traffic that currently exist based on such factors. It is also alarming that that this area of concern that is being ignored by the consultants that have a 20-year relationship with Walnut Valley Unified School District is an area directly impacted by the weekday activities of the co-applicant, the Walnut Unified School District. How can the Lead Agency and City ignore this issue of objectivity? Why of all intersections ignored were the two intersections leading to Castlerock Elementary School, which is a part of the Walnut Valley Unified School District? It doesn't make any sense whatsoever. A new traffic study must be completed to include these two intersections and the traffic study and revised EIR needs to be re-circulated.
- h. The Amendment No. 1 to the MOU (November 4, 2008) identified an additional traffic study for a double left from Diamond Bar Boulevard into project. This additional traffic study, which cost the City an additional \$2,500.00 in November 2008, was not made available to my knowledge as the EIR only identified the 2007-traffic study. This draws question as to whether this traffic study found additional impacts that were not addressed. The non-disclosure of all information is a basis for the comment period not being closed, as all information has not been fully disclosed for public review and comment.

4. Federation of Hillside and Canyon Associations v. City of Los Angeles. Staff failed to explain the Planning Commission that although there may be a mitigation measure for the developer to pay a pro rata share to the City at the time of Tract Map submittal, such mitigation measure does not ensure that the traffic impacts will be mitigated and thereby substantially reducing adverse traffic impacts. In Federation of Hillside and Canyon Associations v. City of Los Angeles, the petitioners argued that there was no substantial evidence supporting the city's finding that mitigation measures would significantly reduce adverse impacts on transportation. This is same for the Site D EIR. **The developer's payment of pro rata share of impacts does not ensure that the City will ever construct all traffic improvements, thereby reducing adverse impacts on transportation.** In this case, the developer will pay the City, but that does not ensure that the City will construct the improvements. Case in point, the City has not identified if, where and when the remaining funds would be funded and whether the improvements will be completed prior to the completion of the project. As a result, the project could be completed, the City may not have all the funds to construct the improvements and adverse traffic impacts are not mitigated. It is a factual error to state that the payment of a pro rata share of costs will ensure the traffic mitigation measures will ever be completed and will therefore significantly reduce adverse traffic impacts. Other cities have addressed this same issue by not only requiring a pro-rata payment of the cost of improvements, **but also requiring that the project cannot be opened (Certificate of Occupancy) until the traffic improvements have been completed.** The Lead Agency needs to correct the mitigation measure and re-circulate the EIR.
5. The Specific Plan is not consistent with the General Plan. It is a factual error for staff to state that they believe that the proposed Specific Plan is consistent and compatible with the adjacent land uses and General Plan without providing concrete explanations of why it is consistent. In my last letter, I pointed out several inconsistencies that were not addressed. I also feel that there are no social benefits that have been clearly identified, as the final project is yet to be defined. This project will not reduce crime, blight or impacts on public services. The project could only add crime, blight or increase demand on public services.

It is not NIMBYism (Not In My Back Yard) for the public to say we want a voice of the type of use(s) to be developed at this site in the future. It is easy for anyone (including Planning Commissioners and City Councilmembers) to support a project that is not near his or her place of residency. But if a Planning Commissioner or City Councilmember did live nearby a project that they didn't support, I am certain that it would not be called NIMBYism. As not one resident has been in favor of this project, how can the Specific Plan be consistent with the vision of the residents? Master planning (advance planning) is not only the vision of the City Council, but also the vision of the residents that elected the City Council. The high-density housing at this site will most likely end up as 253 unit affordable apartments at 25 units per acre (density bonus plus no requirement or conditions that the housing be owner-occupied). Apartments are not compatible with the adjacent land uses of

single-family homes and certainly not the vision of the residents that moved in the area.

Site D does not have the same characteristics as other high-density housing complexes in our City. Unlike all other high-density housing projects cited by the consultants, Site D is surrounded 76% by single-family homes (land uses). There are single-family homes immediately adjacent to the South, East and North of the site (representing approximately 76% of property boundary). The only sides not adjacent to single-family homes are to the West and a small portion to the North that is commercial and represents approximately 24% of property boundary (along Brea Canyon Road and Diamond Bar Boulevard). It would be more consistent and compatible to retain the zoning for single-family housing and change land use to low/low medium residential to match the current zoning. It is also important to note the development of single-family housing in replace of high density housing would also be consistent with the MOU as the MOU does not specify what type of residential development the 50% of residential development must be.

6. Regional Housing Needs Assessment: Any development of residential units will meet the goals of RHNA. I have heard the City use RHNA as a reason the City had to rezone up to high density. My statement was that the City couldn't use RHNA as the sole excuse rezoning Site D for high-density housing. RHNA is not proper justification for a General Plan Amendment to increase density from single-family housing to high-density in a single family housing area. The development of single-family housing would also meet the purpose of RHNA.
7. Memorandum of Understanding (MOU): The City has stated many times that the Specific Plan is consistent with the MOU with Walnut Valley Unified School District. Consistency to the MOU is not justification of the Specific Plan being consistent with the General Plan. The purpose of the MOU is for the City and Walnut Valley Unified School District to capitalize on the resale of the newly rezoned land. As the value of the District's property increases in result of the City approving a higher intensity zoning of the land, the City also benefits from the increases of the value of land sale with the 4.6% that the City is entitled to receive pursuant to the Amendment No. 1 to the MOU. In addition, should the City not approve the Specific Plan by November 4, 2010, the District does not have to reimburse the City for the cost of consultants paid for the preparation of the Specific Plan, traffic report and EIR. Not knowing or understanding how this agreement evolved, the outward appearance of this type of arrangement is highly irregular and prejudices the City.
8. The EIR and traffic report is based on a very conceptual Specific Plan with the primary purpose of justifying the change in land use and zoning. When the project is better defined, the project should be required to complete a Supplemental EIR to address impacts based on an actual well-defined project and to ensure that the project has not created more impacts as previously identified.

In summary, I am not certain that many of the issues can be addressed without the EIR having to be re-circulated. However, the residential development of the Specific Plan should be changed to single-family housing and a Supplement EIR should be required once the project is better defined.

The decision of approving a Specific Plan and General Plan Amendment should be based on the right reasons. I think it is unfortunate that the City has placed itself in such a precarious position where the City must approve a Specific Plan by November 4, 2010 in order that the City does not stand to lose the reimbursement of over \$346,221.75 of public funds from Walnut Valley Unified School District that could have been used for other community needs. But even more, it is very unfortunate that the City also stands to lose the price of selling out the adjacent residents by forcing this Specific Plan upon us.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Chung', written in a cursive style.

Christopher J. Chung
21470 Cold Spring Lane
Diamond Bar, CA 91765

Attachment 6

May 5, 2010

To: City of Diamond Bar Planning Commission
C/O Ms. Grace Lee,
City of Diamond Bar
21825 Copley Dr,
Diamond Bar, CA 91765

Subject: Site D Specific Plan

Chairman and Planning Commissioners,

I would like to express my view/opinion to the April 27, 2010 planning commission meeting, additional and existed concerns on Site D Specific Plan. It seems to me the entire meeting was toward the "presumable" approval on Site D Specific Plan to develop 50% of commercial use and 50% of high density residential use. There is almost no reason presented at all on why other alternatives are not considered in this plan. As a Diamond Bar resident, I am very disappointed by the "strategically" planned way of how this entire Site D plan has been presented. The Planning staff has done a great job in discouraging residents to even attend this meeting by selectively addressed on issues that the City wants to answer. The residents' preferences/views/concerns are basically neglected throughout the whole process.

Shortfalls on Site D Specific Plan:

1) Tunnel vision - not all the alternatives are explored and studied for Site D. Site D Specific Plan is only concentrated on the land use that derived maximum economic gain. None of the social factor or compatibility to the surroundings is carefully studies. Sited D Specific Plan deemed to be the best option for the City and the residents by the Consultant (TRG Land) and the Planning Staff without factual comparison with the other alternatives. This practice is totally unacceptable.

2) Inadequate Traffic report -

i) The entire report was done in 2007 (3 years old data) and "projected" out to 2010. There are couple major impacts were left out. The impact from the future NFL Stadium, the opening of the Super H Mart Market, the increase traffic drawn from the population increase in the nearby cities were not in the study.

ii) Several "close by" intersections were not in the study - Brea Canyon Road and Copper Canyon Drive, Cold Spring Lane and Castlerock, Brea Canyon Road and Cold Spring Price.

3) Inconsistent with General Plan -

I have raised several points on the inconsistency of the Specific Plan to the General Plan in my "5 minutes" residents' view in the April 13 meeting and also in my last letter to the Commissioners. Again, no specific/concrete explanations on how and why they are consistent.

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To quote from my last letter :

*** In Section 7.0 "General Plan Consistency Analysis" under Draft - Site D Specific Plan, it stated the Goal in Housing Element (page 40) "Consistent with the Vision Statement, preserve and conserve the existing housing stock and maintain property values and residents' quality of life" Under Consistency (same page), it stated "Furthermore, the project may enhance surrounding property values..."*

- Explain how is the "conclusion" (maintain and even enhance surrounding property values) derived from ?? What type of study was done on this? How is maintain property

values and residents' quality of life" determined? What type of factors that this is based on ??

** On the very last sentence under Section 7.0 "General Plan Consistency Analysis" under Draft - Site D Specific Plan (Page 43), it stated "*Due to the projects convenient location and site planning, Site D presents an economically viable plan that is good for the City of Diamond Bar and its residents.*"

- Again, how is the conclusion (good for its residents) arrived ? What type of survey, research study on this plan has used ? What type of factors were considered in the study ?

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4) Lack of input from Native American Organization –

What are the responses from the eight Native American Organization/Club? Nothing about these comments is addressed since Feb. 2008.

These are just some of my concerns in addition to many concerns from other residents. Making the right choice for the City and the residents is the key. I am urging the Planning Commissioners use their authorities to properly act on this issue. We should not rush on the decision without understanding how the plan is consistent with the General Plan. Your decision will be affecting the future of this land use for the City and its residents.

Thank you for your time and attention to this matter.

Sincerely,

Judy Leung
21175 Running Branch Road,
Diamond Bar, CA 91765