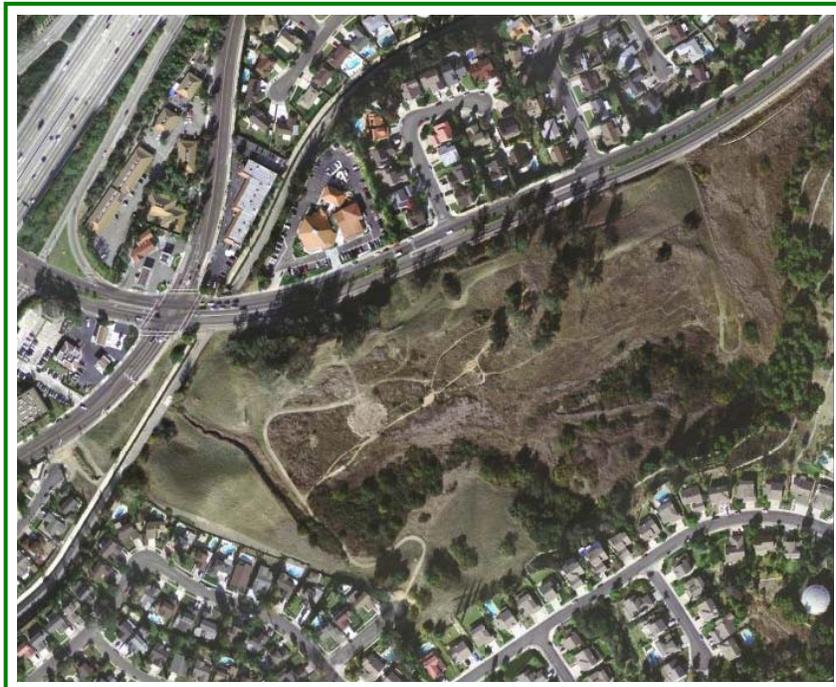


**Response to Comments No. 2**  
**Draft Environmental Impact Report**  
**“Site D” Specific Plan**  
**SCH No. 2008021014**

**General Plan Amendment No. 2007-03**  
**Specific Plan No. 2007-01**  
**Tentative Map No. 70687**



Lead Agency:

**City of Diamond Bar**  
**Community Development Department**  
21810 Copley Drive, Second Floor  
Diamond Bar, California 91765-4178

Applicants:

**City of Diamond Bar**  
21810 Copley Drive, Second Floor  
Diamond Bar, California 91765-4178

**Walnut Valley Unified School District**  
880 South Lemon Avenue  
Walnut, California 91789

January 2012



Environmental Impact Report 2007-02

**Response to Comments No. 2**  
**Draft Environmental Impact Report**  
**“Site D” Specific Plan**  
**SCH No. 2008021014**

**General Plan Amendment No. 2007-03**  
**Specific Plan No. 2007-01**  
**Tentative Map No. 70687**

Lead Agency:

**City of Diamond Bar**  
**Community Development Department**  
21825 Copley Drive  
Diamond Bar, California 91765-4178

Applicants:

**City of Diamond Bar**  
21825 Copley Drive  
Diamond Bar, California 91765-4178

**Walnut Valley Unified School District**  
880 South Lemon Avenue  
Walnut, California 91789

Prepared by:

**Environmental Impact Sciences**  
26051 Via Concha  
Mission Viejo, California 92691-5416

January 2012

**This page intentionally left blank.**

**TABLE OF CONTENTS**  
**List of Sections**

<u>Section</u>		<u>Page</u>
<b>1.0</b>	<b>INTRODUCTION</b>	<b>1-1</b>
1.1	Introduction to Response to Comments No. 2	1-1
1.2	CEQA Requirements	1-6
1.2.1	Evaluation of Response to Comments	1-6
1.2.2	Decision not to Recirculate the DEIR	1-6
1.2.3	Alternatives and Mitigation Measures	1-8
1.2.4	Environmentally Superior Alternative	1-9
1.3	Program and Project-Level Environmental Impact Reports	1-10
<b>2.0</b>	<b>ADDITIONAL CHANGES, REVISIONS, AND MODIFICATIONS</b>	<b>2-1</b>
2.1	Introduction to Additional Changes, Revisions, and Modifications	2-1
2.2	Additional Changes, Revisions, and Modifications	2-3
2.2.1	Draft Environmental Impact Report	2-3
2.2.2	“March 2010 ‘Site D’ Specific Plan”	2-30
<b>3.0</b>	<b>ALTERNATIVE 6: “JANUARY 2012 ‘SITE D’ SPECIFIC PLAN”</b>	<b>3-1</b>
3.1	Introduction to the “January 2012 ‘Site D’ Specific Plan”	3-1
3.2	Alternative 6 Project Description	3-2
3.2.1	“January 2012 ‘Site D’ Specific Plan”	3-2
	Residential Component	3-3
	Commercial Component	3-4
	Conceptual Neighborhood Park and Trail Component	3-5
	Conceptual Landmark Entry Feature	3-6
	Conceptual Circulation Plan	3-6
	Conceptual Water and Sewer Systems	3-7
	Conceptual Grading Plan	3-7
	Conceptual Drainage Plan	3-8
	Energy Conservation	3-8
3.2.2	Tentative Subdivision Map	3-9
3.2.3	Tentative Alternative Project Schedule	3-9
3.2.4	Conditions of Approval and Performance Standards	3-10
3.3	Environmental Analysis	3-16
3.3.1	Land Use	3-18
3.3.2	Population and Housing	3-48
3.3.3	Geotechnical Hazards	3-51
3.3.4	Hydrology and Water Quality	3-53
3.3.5	Biological Resources	3-54
3.3.6	Transportation and Circulation	3-55
3.3.7	Air Quality	3-66
3.3.8	Noise	3-78
3.3.9	Public Services and Facilities	3-80
3.3.10	Utilities and Service Systems	3-85
3.3.11	Cultural Resources	3-87
3.3.12	Aesthetics	3-88
3.3.13	Growth Inducement	3-90
<b>4.0</b>	<b>“MARCH 2010 ‘SITE D’ SPECIFIC PLAN” - GREENHOUSE GAS EMISSIONS</b>	<b>4-1</b>

**Technical Appendices**

**Appendix**

- RTC2-A Planning Commission Staff Reports and Minutes  
(April 13, April 27, and May 11, 2010)
- RTC2-B City Council Staff Reports and Minutes  
(June 15, July 20, October 19, November 16, December 7, and December 21, 2010)
- RTC2-C Walnut Valley Unified School District Public Workshop  
(October 16, 2010)
- RTC2-D Walnut Valley Unified School District Correspondence  
(December 2, 2010)
- RTC2-E “January 2012 ‘Site D’ Specific Plan”  
(January 2012)
- RTC2-F Amended Memorandum of Understanding  
(January 19 and July 19, 2011)
- RTC2-G “January 2012 ‘Site D’ Specific Plan” Alternative- Traffic Impact Analysis  
(January 11, 2012)
- RTC2-H “January 2012 ‘Site D’ Specific Plan” Alternative – CalEEMod Emissions Model
- RTC2-I “March 2010 ‘Site D’ Specific Plan” – CalEEMod Emissions Model

**List of Tables**

<u>Table</u>		<u>Page</u>
RTC2-1	“January 2012 ‘Site D’ Specific Plan” Alternative Tentative Alternative Project Schedule	3-10
RTC2-2	“January 2012 ‘Site D’ Specific Plan” Conditions of Approval/Performance Standards	3-19
RTC2-3	“January 2012 ‘Site D’ Specific Plan” Summary of Environmental Impacts and Level of Significance	3-25
RTC2-4	“January 2012 ‘Site D’ Specific Plan” Draft Mitigation Reporting and Monitoring Program	3-35
RTC2-5	City of Diamond Bar General Plan - Residential Land-Use Categories	3-39
RTC2-6	“January 2012 ‘Site D’ Specific Plan” Alternative Consistency with General Plan Policies	3-41
RTC2-7	“January 2012 ‘Site D’ Specific Plan” Alternative Consistency with Hillside Management Objectives	3-44
RTC2-8	“January 2012 ‘Site D’ Specific Plan” Alternative Consistency with Southern California Association of Governments Policies 2008 Regional Comprehensive Plan	3-46
RTC2-9	“January 2012 ‘Site D’ Specific Plan” Alternative - Trip Generation	3-57
RTC2-10	“January 2012 ‘Site D’ Specific Plan” Alternative Intersection Analyses Summary – Significant Impact Evaluation	3-60
RTC2-11	“January 2012 ‘Site D’ Specific Plan” Alternative Intersection Analyses Summary –Year 2030 Evaluations	3-61
RTC2-12	“January 2012 ‘Site D’ Specific Plan” Alternative Fair-Share Calculations –Year 2030	3-63
RTC2-13	“January 2012 ‘Site D’ Specific Plan” Alternative Comparison of Projected Construction Emissions and Daily Criteria Values	3-70
RTC2-14	“January 2012 ‘Site D’ Specific Plan” Alternative Daily Operational Emissions	3-71
RTC2-15	“January 2012 ‘Site D’ Specific Plan” Alternative Construction-Related Greenhouse Gas Emission by Year	3-72
RTC2-16	“January 2012 ‘Site D’ Specific Plan” Alternative Yearly Operational Greenhouse Gas Emissions	3-76
RTC2-17	Wastewater Loading for Different Classes of Land Use	3-87

**This page intentionally left blank.**

## **1.0 INTRODUCTION**

### **1.1 Introduction to Response to Comments No. 2**

This “Response to Comments No. 2 - Draft Environmental Impact Report for the ‘Site D’ Specific Plan, State Clearinghouse No. 2008021014” (City of Diamond Bar, January 2012) (RTC2), in combination with the two-volume “Draft Environmental Impact Report for the ‘Site D’ Specific Plan, State Clearinghouse No. 2008021014” (City of Diamond Bar, June 2009) (DEIR) and the previously disseminated “Response to Comments - Draft Environmental Impact Report for the ‘Site D’ Specific Plan, State Clearinghouse No. 2008021014” (City of Diamond Bar, March 2010) (RTC or RTC1), including such other documents as may be added by the City of Diamond Bar City Council (Council), collectively serves as the “Final Environmental Impact Report for the ‘Site D’ Specific Plan, State Clearinghouse No. 2008021014” (FEIR) for the “‘Site D’ Specific Plan” (SDSP) and the entitlements and land uses associated therewith and located thereupon.

As specified, in part, in Section 15088 of the State CEQA Guidelines, the Lead Agency shall evaluate comments on environmental issues received from persons who reviewed the DEIR and shall prepare a written response. The Lead Agency’s written response shall describe the disposition of those significant environmental issues which are raised. The State CEQA Guidelines explicitly envisioned that such written responses may include revisions to the proposed project to mitigate anticipated impacts or objections.<sup>1</sup>

In combination with other documents comprising the project’s administrative record, this RTC2 document presents the Community Development Department’s (Department) written responses to those comments received by the City of Diamond Bar (City or Lead Agency) following the dissemination of the RTC1 document in March 2010, inclusive of written and oral comments received by the City of Diamond Bar Planning Commission (Commission) and Council at noticed public hearings conducted by the Lead Agency on the March 2010 version of the “‘Site D’ Specific Plan” (March 2010 SDSP),<sup>2</sup> the approved Commission minutes and Council minutes of those hearings, and Department-prepared reports associated with those hearings (Appendix RTC2-A and Appendix RTC2-B, respectively).<sup>3</sup>

As possible variations of or alternatives to the March 2010 SDSP, a number of the comments presented to the Commission and the Council included recommendations concerning the nature, type, and intensity of future development activities within the specific plan area. Those comments

---

<sup>1/</sup> Text references to the “proposed project” herein and throughout the project’s CEQA documentation generally relates to the “March 2010 ‘Site D’ Specific Plan” (March 2010 SDSP) or to an earlier draft thereof, each of which assumed the development of 202 dwelling units and 153,985 square feet of commercial use. The Lead Agency has sought to use the terms “alternative project” and “January 2012 SDSP” in referring to the “January 2012 ‘Site D’ Specific Plan” (January 2012 SDSP) in order to facilitate differentiation between those documents or has utilized the more general term “project” to allow for continuity between the EIR and any later development proposal should the EIR be subsequently certified by the Lead Agency.

<sup>2/</sup> The DEIR was released in June 2009 and the RTC1 document was released in March 2010. Each of those documents examined the then proposed SDSP. Between June 2009 and March 2010, minor design changes and additional text were added to the draft SDSP; however, none of those changes and/or added text predicated substantive revisions to the Lead Agency’s environmental analysis of that document. Following the release of the RTC1, a completed draft SDSP was presented by the Department to the Commission and the Council. Reference to the “March 2010 ‘Site D’ Specific Plan” (March 2010 SDSP) herein is to the specific plan project presented for the Commission’s and the Council’s deliberations and examined in the DEIR.

<sup>3/</sup> City of Diamond Bar Planning Commission hearings were held on April 13, April 27, and May 11, 2010. City of Diamond Bar City Council public hearings were conducted on June 15, July 20, October 19, November 16, December 7, and December 21, 2010.

included, but were not limited to, recommendations that the Lead Agency exclude future commercial development from the “Site D” property, pursue an all-residential use, and incorporate public recreational facilities in the form of a new neighborhood park.

As more thoroughly described in the DEIR, the approximately 30.36-acre (rounded to 30.4 acres) project site is owned, in separate parts by the Walnut Valley Unified School District (WVUSD or District) (District Property), the City of Diamond Bar (City or Lead Agency) (City Property), and the Los Angeles County Flood Control District (County) (County Property).<sup>4</sup> Except as otherwise noted, all references to “Site D,” “Site ‘D,’” and to the “‘Site D’ Specific Plan” in the project’s CEQA documentation are intended to be inclusive of the District Property, the City Property, and County Property.<sup>5</sup>

With approximately 94 percent of the acreage located within the planning area, the District is the primary and principle property owner of the subject property.<sup>6</sup> In order to solicit public input concerning the disposition of the District Property, on October 16, 2010, the WVUSD held a public

---

<sup>4/</sup> In places, the DEIR identified the subject property as containing approximately 29.69 acres. Further engineering analyses determined that the “Site D” property, inclusive of the WVUSD’s, the City’s, and the County’s related real property holdings, totals approximately 30.36 acres (rounded to 30.4 acres). Similarly, the DEIR indicated that the District Property consisted of 28.01 acres, the City Property consisted of 0.93 acres, and the County Property consisted of 0.75 acres. Further engineering analyses determined that those properties contained 28.71, 0.98, and 0.67 acres, respectively. These changes are not substantive since the graphic representation of the “Site D” property remains unchanged, the individual acreages were not the sole determinant of proposed land use or potential environmental effects, and none of the acreage-based computations presented in the DEIR were based solely on each agency’s individual real property interests.

<sup>5/</sup> As first coined by the District, the term “Site D” referred only to the District Property. As defined in the “Memorandum of Understanding” (MOU) executed by the District and the City on July 1, 2007, the term “Site D” was intended to refer to both the District Property and the City Property. Since that time, the term has been further expanded to include the District Property, the City Property, and the County Property in combination with such additional area(s) beyond the confines of those properties which may be directly impacted by the development of those properties, inclusive of both those lands which might be used for the purpose of environmental mitigation and upon which, over, or beneath project-related and/or cumulative infrastructure improvements might be performed. Although the terms “Site D” and “Site ‘D’” are intended to be interchangeable throughout the project’s administrative record, the administrative record must be examined in context of those references to determine whether the reference is with regards to: (1) the District Property alone; (2) the combined District Property and the City Property; (3) the District Property, the City Property, and the County Property, and/or (4) the District Property, the City Property, and the County Property, in combination with additional off-site areas.

<sup>6/</sup> Although the District is the primary and principle property owner, it is not envisioned that the WVUSD will be the ultimate developer of the subject property, inclusive of those lands owned or controlled by the City and the County. As described in the DEIR, the District has declared its “Site D” holdings as “surplus school district property.” As so designated, subject to applicable statutory and regulatory requirements, the District currently plans to sell or otherwise convey its real property holdings to a public or private entity. In its earlier attempts to sell the subject property, questions were raised by perspective purchasers as to the property’s allowable use(s) and the nature of existing and reasonably foreseeable future entitlements. In order to address those issues, the City (acting in combination with the District) embarked on a joint planning program to more precisely define the nature of allowable uses and the intensity of development that might reasonably be permitted thereupon. The March 2010 SDSP and the other alternatives examined in the project’s CEQA documentation represent possible uses of the subject property. It is envisioned that, at the end of the CEQA process, the City will certify the EIR and adopt a specific plan and/or other entitlements affecting those properties. Either concurrent with or subsequent to the approval of those entitlements, if so approved, the District will convey its “Site D” holdings to another party. The City may agree to participate in that sale and concurrently or subsequently convey all or portions of the City Property to that or to another party so as to facilitate the development of the District Property, as envisioned by those entitlements. At the time formal development plans are submitted to the City for review and approval, the City will assess the adequacy of the certified EIR, if so certified, and ascertain whether the resulting development is materially consistent with those entitlements and, in its role as Lead Agency, independently determine whether subsequent or supplemental CEQA documentation is required. The City may subsequently determine that existing CEQA documentation is adequate to allow development to proceed or may undertake such additional environmental review as the City may deem to be necessary based on its review of the precise plan of development.

## “Site D” Specific Plan

City of Diamond Bar, California

---

workshop at Castle Rock Elementary School in the City. Material disseminated at and information obtained during that workshop has been included herein ([Appendix RTC2-C](#)). Based, in whole or in part, at the information obtained at that workshop, the District notified the Lead Agency’s of its intent to modify its then current development proposal.

On December 1, 2010, the WVUSD’s Board of Trustees (Board), at a noticed public meeting, took action and subsequently forwarded a recommendation to the Council that the land-use plan for the District’s “Site D” real property holdings be modified to specify a 100 percent residential land use. As indicated in correspondence from the District to the City ([Appendix RTC2-D](#)): “[T]he Board of Trustees for the Walnut Valley Unified School District recommends (1) that Site D be developed 100% residential with minimal peripheral open space, green belt and park areas with a monument to mark the entrance into Diamond Bar, and (2) that the residential density be reduced to less than 20 units per acre.”<sup>7</sup>

In response to comments received by the Lead Agency, on December 7, 2010, the Council, by majority vote, directed the Department to modify the then proposed March 2010 SDSP to eliminate the 153,985 square feet of on-site commercial development which was proposed under that specific plan,<sup>8</sup> to specify a total of 200 residential dwelling units on the subject property, to incorporate a greenbelt area separating the development and the adjoining residential areas, and to designate of a public park on the project site containing not less than two useable acres. In January 2012, the Department subsequently prepared a revised “Site D’ Specific Plan” (January 2012 SDSP) ([Appendix RTC2-E](#)) incorporating the Council’s policy directives.<sup>9</sup> The January 2012 SDSP was formulated by the Department in response to the Council’s directives and for the purpose of minimizing the potential significant environmental impacts attributable to the March 2010 SDSP, either as stated in the DEIR or as expressed in public comments.

Including the then proposed project (March 2010 SDSP), the DEIR presented a detailed analysis of both the CEQA-mandated “no project” alternative (Alternative 1) and the following four additional development-based alternatives: (1) “public facilities” alternative (Alternative 2); (2) “community commercial” alternative (Alternative 3); (3) “low-density residential” alternative (Alternative 4); and (4) “high-density residential” alternative (Alternative 5). As indicated therein, the DEIR included two residential-only alternatives, namely the “low-density residential” (Alternative 4) and the “high-density residential” (Alternative 5). In this RTC2 document, the Department has sought to augment the information and analysis presented in the DEIR to

---

<sup>7</sup>/ Letter from Nancy Lyons, President, Board of Trustees, Walnut Valley Unified School District to Carol Herrera, Mayor, City of Diamond Bar (Re: Recommendation for Land Use Development on Site D), December 2, 2010.

<sup>8</sup>/ As specified in Section 15064(c) of the State CEQA Guidelines: “In determining whether an effect will be adverse or beneficial, the lead agency shall consider the views held by members of the public in all areas affected as expressed in the whole record before the lead agency.” Before both the Commission and the Council, numerous comments were received by the Lead Agency with regards to the need for public recreational amenities in the general project area and the potentially adverse effects of commercial development. In the context of the March 2010 SDSP, none of the comments received, however, predicated substantive revisions to the DEIR, including the document’s preliminary conclusions with regards to the severity of environmental impacts and/or the mitigation measures identified therein.

<sup>9</sup>/ Alternatives discussed in an EIR must be reasonable alternatives, selected to foster informed decisionmaking and public participation (14 CCR 15126.6[a]). In response to comments submitted as part of the public participation process, including those submitted by the District, a variation of the March 2010 SDSP was formulated by the Department as a “stand-alone” alternative. Although the March 2010 SDSP and the January 2012 SDSP documents differ in structure and level of detail, the January 2012 SDSP generally retains the same number of dwelling units as outlined in the March 2010 SDSP (200 versus 202 units), eliminates the commercial component authorized therein, and incorporates a public park. In accordance with CEQA, the inclusion of the January 2012 SDSP herein is intended to foster informed decisionmaking and public participation.

include an analysis of a third residentially-based alternative, namely the January 2012 SDSP<sup>10</sup> (Alternative 6). The January 2012 SDSP should, therefore, be considered a variation of or a revision to the: (1) March 2010 SDSP; and/or (2) the two residential alternatives previously examined in the DEIR. The Lead Agency’s environmental analysis of the January 2012 SDSP alternative is presented in this RTC2.<sup>11</sup>

On January 19 and July 19, 2011, the District and the City executed separate amendments to the June 19, 2007 “Memorandum of Understanding” (MOU) outlining the relationship between the two entities with regards to the shared mutual ownership of the subject property (Appendix RTC2-F). The January 19, 2011 amendment noted: “The specific plan will entitle a project to consist of not more than 200 residential dwelling units and dedicated parkland. The parkland shall consist of at least 2.0 acres of usable area, dedicated to the City and constructed to City standards. The tentative and final tract maps shall show the parkland as a separate parcel (delineating the park boundaries) and offer the parcel for dedication to the City. The subsequent developer of ‘Site D’ shall be responsible for designing the parkland improvements, producing all related construction documents (subject to Community Development Director and Community Services Director approval) and constructing the parkland improvements. No offer of dedication shall be accepted until construction of the parkland improvements is completed in a manner acceptable to the Community Services Director.”

On July 19, 2011, the City adopted a revised “Diamond Bar Parks and Recreation Master Plan 2011”<sup>12</sup> (P&RMP) which identified lands located within the proposed specific plan’s boundaries as a “site acquisition opportunity” for a “neighborhood park.” No specific acreage was identified therein and only a general representation of on-site park placement is presented in the P&RMP. Similarly, the master plan includes no reference to the precise nature of any future development adjacent to that future park site. As a result, for the purpose of CEQA compliance, it is assumed that the Council’s December 7, 2010 guidance and the P&RMP are consistent policy directives and that those directives are reflected in the neighborhood park use authorized under the January 2012 SDSP. Prior to park development, the site’s future developer shall hold neighborhood outreach meetings for the design and location of the park as part of the tentative tract map entitlement process. The proposed neighborhood park may offer a variety of active and passive recreational opportunities for the neighborhood.

With regards to on-site recreational use, it is noted that the City’s 1997 “Final Environmental Impact Report for the Diamond Bar Economic Revitalization Area, SCH No. 96111047” contains the following reference to the anticipated future use of the District’s “Site D” property: “Park development (Site D) – eg. Buildings, recreation facilities, ball fields.”<sup>13</sup>

---

<sup>10/</sup> It is noted that the terminology used by the Lead Agency in the EIR to distinguish between various alternatives (e.g., March 2010 SDSP and January 2012 SDSP) is intended solely for the purpose of differentiation and is not intended to limit or otherwise restrict the Lead Agency’s discretion under CEQA. For example, should the City elect to adopt a specific plan for the “Site D” property, it is likely that subsequent references to that planning document may include the date of the document’s adoption and/or the FEIR’s certification. The titles and terms used herein, therefore, will likely become outdated once formal action has been taken. Although later post-adoption references may refer to the specific plan using different nomenclature, there likely will exist a direct linkage between that document and one of the development scenarios examined in the CEQA record.

<sup>11/</sup> By its inclusion herein, at its sole discretion and following certification of the FEIR, if so certified, the Lead Agency’s decision-making body could adopt the “January 2012 ‘Site D’ Specific Plan” or another alternative in lieu of the “March 2010 ‘Site D’ Specific Plan” as the land-use plan for the subject property.

<sup>12/</sup> City of Diamond Bar (TKE Engineering and Planning), Diamond Bar Parks & Recreation Master Plan, July 8, 2011.

<sup>13/</sup> City of Diamond Bar, Final Environmental Impact Report for the Diamond Bar Economic Revitalization Area, SCH No. 96111047, July 1, 1997, p. 1-13.

## “Site D” Specific Plan

City of Diamond Bar, California

---

Although not specifically addressed as an alternative use for the “Site D” property, the DEIR noted that, “[f]rom an environmental perspective, it can be reasonably concluded that a park use would generate lesser environmental impacts than those other development-based alternatives examined herein. As such, since recreational uses are often ancillary to residential uses and often integrated into residential areas, although not addressed as a separate alternative herein, a park use could likely be developed on the project site under the authority of the CEQA documentation prepared for the ‘Site D’ Specific Plan.”<sup>14</sup>

Following the Lead Agency’s dissemination of the DEIR, certain statutory and regulatory provisions of the California Environmental Quality Act (CEQA) and the “Guidelines for the Implementation of the California Environmental Quality Act” (State CEQA Guidelines) took effect. Those revisions included, but were not limited to, specific stipulations concerning the analysis of greenhouse gas (GHG) emissions in CEQA documentation prepared after March 18, 2010. Because those requirements are now in effect, the requisite analysis is included herein for both the March 2010 SDSP and the January 2012 SDSP.<sup>15</sup>

Based on the March 2010 SDSP, the DEIR and RTC1 included a project-level CEQA-based analysis of a proposed tentative subdivision map (i.e., Tract No. 70687). In order to promote design and development flexibility,<sup>16</sup> under the January 2012 SDSP, the District, as the primary property owner, believes it may be advantageous (with regards to the attainment of one or more of the stated objectives), not to process a tentative subdivision map at this time but to defer such processing until a subsequent developer comes forward. Although the specific plan boundaries remain geographically unchanged, under the January 2012 SDSP, certain previously proposed entitlements identified in the DEIR and RTC1 have not been graphically depicted herein (e.g., tentative tract map). Because the EIR examines the construction, operational, and cumulative impacts of the site’s development, use, and habitation and because the property’s subdivision is a foreseeable component of those activities, a tentative tract map should, however, be considered a component of any subsequent site-specific development-related activities.<sup>17</sup>

---

<sup>14/</sup> City of Diamond Bar (Environmental Impact Sciences), Draft Environmental Impact Report – ‘Site D’ Specific Plan, State Clearinghouse No. 2008021014, June 2009, p. 6-8.

<sup>15/</sup> A greenhouse gas (GHG) emissions analysis of the March 2010 SDSP was included, in part, under “Air Quality Impact 7-7” in Section 4.7.3.3 (Cumulative Impacts) in Section 4.7 (Air Quality) of the DEIR. The information presented herein serves to augment that previous analysis. Since no increased GHG emissions would directly result from the retention of the “Site D” property in its existing condition, no supplemental GHG emissions analysis is presented herein for the “no project” alternative (Alternative 1).

<sup>16/</sup> As now envisioned, neither the WVUSD nor the City will be the ultimate developer(s) of “Site D.” In order to eliminate or reduce the level of uncertainty with regards to the allowable use(s) of the subject property and the exactions associated therewith, the WVUSD has sought the City’s approval of a specific plan (including other associated entitlements) outlining the nature, type, and intensity of development that the City would deem acceptable with regards to the District Property. Following the City’s action, the WVUSD would market the District Property, inclusive of its associated entitlements, to a for-profit or not-for-profit developer. Based in whole or in part on the adopted specific plan (if so adopted), the subsequent developer would then process a tentative subdivision map allowing for a more detailed parcelization of the “Site D” property. Although a tentative tract map is envisioned herein, it is neither possible nor practical for the WVUSD and/or the City to precisely configure the internal lots, other than with regards to the more generalized description and configuration presented in the January 2012 SDSP. Operating within the parameters of the adopted specific plan (if so adopted) and certified EIR (if so certified), any subsequent site developer(s) would be provided reasonable “flexibility” with regards to that configuration.

<sup>17/</sup> As indicated in Section 15378(c) of the State CEQA Guidelines: “The term ‘project’ refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term ‘project’ does not mean each separate governmental approval.”

## **1.2 CEQA Requirements**

### **1.2.1 Evaluation of and Response to Comments**

As stipulated in Section 15088 of the State CEQA Guidelines, the lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft environmental impact report (EIR) and shall provide a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.

The DEIR and the “Notice of Completion” (NOC) were submitted to the Governor’s Office and Planning and Research - State Clearinghouse (SCH) on June 25, 2009, commencing a 45-day comment period on the DEIR. The State agency comment period, as established by the SCH, concluded on August 10, 2009. The NOC was concurrently posted in the Office of the County Clerk. In addition, the “Notice of Availability of a Draft Environmental Impact Report – State Clearinghouse No. 2008021014” (NOA) was filed with the Los Angeles County Clerk on June 22, 2009 and published in the “Inland Valley Daily Bulletin” and “San Gabriel Valley Tribune” on June 25, 2009. As stipulated in the NOC and NOA, the formal comment period on the DEIR concluded on August 10, 2009. Because the Lead Agency did not take formal action authorizing the extension of that comment period, under CEQA, the City is not required to formally respond to late comments. As indicated in RTC1, the City nonetheless prepared and published written responses to comments submitted by public entities and other stakeholders received by the Lead Agency on or before September 29, 2009 (reflecting a time period extending approximately 6-weeks after the close of the noticed comment period).

Following the dissemination of the RTC1 document, the Commission and the Council noticed and conducted a number of public hearings designed to solicit additional public and agency comments on the DEIR and RTC1. Noticed Commission hearings were held on April 13, April 27, and May 11, 2010. Noticed Council public hearings were conducted on June 15, July 20, October 19, November 16, December 7, and December 21, 2010. Additional oral and written comments were received by the Lead Agency at that time. For those public hearings, Department-prepared “Staff Reports” included summaries of those comments and presented Department-authored responses thereto. In addition, as reflected in the adopted minutes of those meetings, oral responses to public comments were provided by City staff and City-contracted consultants. Those “Staff Reports” and the adopted Commission and Council minutes of those meetings constitute part of the CEQA record for the proposed project (March 2010 SDSP) and have been included herein in Appendix RTC2-A and Appendix RTC2-B, respectively.

### **1.2.2 Decision not to Recirculate the DEIR**

Pursuant to Section 15088.5 of the State CEQA Guidelines, a lead agency is required to recirculate a previously circulated EIR when “significant new information is added to the EIR” after release of the NOC but before certification. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantive adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project proponents have declined to implement.

“Significant new information requiring recirculation includes but is not limited to a disclosure that: (1) a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented; (2) a substantial increase in the severity of an

environmental impact would result unless mitigation measures<sup>18</sup> are adopted that reduce the impact to a level of insignificance; (3) a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project but the project’s proponents decline to adopt it; and (4) the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified. As stipulated in Section 15088.5(e) of the State CEQA Guidelines, a decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.

With regards to the GHG emissions analysis of the March 2010 SDSP, at the time the analysis was performed, no statutory or regulatory requirements for inclusion of that analysis existed at the time of the DEIR’s release and no accepted threshold of significance standard existed against which projected project-related GHG emissions could be judged. Based on the 2010 revisions to the State CEQA Guidelines, an augmented GHG emissions analysis has been performed and has been included in this RTC2 for the March 2010 SDSP. For comparative purposes, because a lesser density project has the potential to reduce or eliminate identified environmental impacts, a similar analysis has been performed for the January 2012 SDSP.

As indicated in the DEIR, with regards to the March 2010 SDSP, significant, unmitigatable construction, operational, and cumulative air quality impacts were identified by the Lead Agency. Although no significance determination was explicitly presented therein based on the absence of a supportable threshold of significance standard for GHG emissions, operationally, the DEIR stated that approximately 15,889.66 tons of carbon dioxide (CO<sub>2</sub>) would be produced annually as a result of the implementation of the March 2010 SDSP. Based on the augmented analysis presented herein, the Lead Agency now estimates that the March 2010 SDSP will produce approximately 14,084.01 metric tons of CO<sub>2</sub> equivalent (MTCO<sub>2</sub>e) annually during the project’s operation. As a result, although the quantities of CO<sub>2</sub> and carbon dioxide equivalent (CO<sub>2</sub>e) may not be directly comparable, the recalculated quantity of GHG emissions provided in this RTC2 document is less than the tonnage represented in the DEIR. Based on those projections, no substantial increase in the severity of any previously identified environmental impacts would result from the implementation of the March 2010 SDSP. Similarly, since the DEIR already states that air quality impacts will be operationally and cumulatively significant, no new significant environmental impacts would result from the project’s implementation.

With regards to the January 2012 SDSP, as more thoroughly described herein, based on comments received by the Lead Agency, the CEQA analysis has been augmented to include, as a stand-alone alternative, a separate and distinct variation of or revision to the two residential alternatives (Alternatives 4 and 5) examined in the DEIR. By including the January 2012

---

<sup>18/</sup> The EIR identifies a number of environmental effects which the Lead Agency has deemed to be significant but which could be mitigated to a less-than-significant level through the imposition of specified mitigation measures. Relying on the word “or” in Section 21002 and 21002.1 of CEQA (“agencies should not approve projects as approved if there are feasible alternatives or feasible mitigation measures”) and understanding the requirement to be disjunctive so that agencies need only adopt mitigation measures or alternatives but not both, the courts have stated that agencies need not even consider the feasibility of project alternatives if they adopt mitigation measures that “substantially lessen or avoid” projects’ significant adverse impacts (Laurel Hills Homeowners Association v. City Council [Second District, 1978]). The EIR must “contain a meaningful discussion of both alternatives and mitigation measures. . . Therefore, we conclude if there is evidence of one or more potentially significant impacts, the report must contain a meaningful analysis of alternatives or mitigation measures which would avoid or lessen such impacts” (Kings County Farm Bureau v. City of Hanford [Fifth District, 1990]).

alternative (Alternative 6) herein, it is not the Lead Agency’s intent to eliminate from further consideration either the previously proposed project (March 2010 SDSP) or any of the alternatives which were included in the DEIR.

As a result, the introduction of the January 2012 SDSP alternative in this RTC2 document, in combination with the changes to the DEIR identified herein, do not constitute a substantial revision to the DEIR in that: (1) the environmental analysis of the March 2010 SDSP and the mitigation measures associated with that development proposal have not been materially modified by the Lead Agency, such that the Lead Agency retains the ability to adopt the March 2010 SDSP should it so elect; (2) multiple residential-only alternatives have already been included in the DEIR and the January 2012 SDSP option, as examined herein, is not considerably different from other alternatives already a part of the project’s administrative record; (3) no new significant environmental impacts would result from the proposed project or from any new mitigation measures and/or alternatives identified by the Lead Agency; (4) no substantial increase in the severity of those environmental impacts identified in the DEIR would result unless additional mitigation measures are adopted that reduce those impacts to a level of insignificance; and (5) no substantial evidence has been presented to the Lead Agency indicating that the DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment was precluded.

No “significant new information” has, therefore, been added to the DEIR since public notice was given of its availability for public review. As indicated in this RTC2 document, in the judgment of the Lead Agency, none of the above described conditions warranting recirculation now exist.

### **1.2.3 Alternatives and Mitigation Measures**

As indicated in the DEIR, excluding the “no project” alternative, “the ‘public facilities,’ the ‘low-density residential,’ and the ‘high-density residential’ alternatives are each considered to be environmentally superior to the proposed project.” When compared to the March 2010 SDSP, those three alternatives were presumed to result in either the elimination or substantial reduction of significant operational air quality impacts. Under the “public facilities” alternative (Alternative 2), consistent with the site’s existing “Public Facilities (PF)” General Plan designation, the DEIR assumed that the subject property would be developed as a parochial school campus and church facility. A potential developer for such a facility has yet to be identified and market interest for such a use presently appears to be low. Under the “low-density residential” alternative (Alternative 4), a total of 60 detached homes would be developed on the property. Under the “high-density residential” alternative (Alternative 5), a total of 404 attached homes would be constructed. Under either residential option, a public park could be included in the land plan. The commonality between each of those three alternatives was the proposed elimination of major on-site commercial uses.

During the public comment period on the DEIR and the during the Commission’s and Council’s subsequent deliberations, numerous commentors expressed a desire that commercial uses be eliminated from the proposed specific plan, that the site be developed for residential use, and that a need existed for additional public parklands in the general project area. Based on the “high-density residential” (404 units) and “low-density residential” (60 units) options previously examined in the DEIR, both of which included no on-site commercial uses, a wide range of residential scenarios could be formulated as variations of or revisions to those alternatives.<sup>19</sup>

---

<sup>19</sup> An EIR need only address a manageable number of alternatives. In *Laguna Village of Laguna Beach v. Board of Supervisors* (1982), the court considered an allegation that an EIR was deficient because it failed to

## “Site D” Specific Plan

City of Diamond Bar, California

---

Referencing *Kings County Farm Bureau v. City of Hansford* (Fifth District, 1990): "State agencies are required to certify the completion of an EIR 'on any project they propose to carry out or approve' [Citation]. As a matter of logic, the EIR must be prepared before the decision to approve the project. Not until project approval does the agency determine whether to impose any mitigation measures on the project [Citation]. One cannot be certain until then what the exact mitigation measures will be, much less whether and to what degree they will minimize environmental effects."

The DEIR and this RTC2 document identify a number of environmental impacts which have been categorized as "significant." Relying on the word "or" in Section 21002 and 21002.1 of CEQA (i.e., "agencies should not approve projects as approved if there are feasible alternatives or feasible mitigation measures") and understanding the requirement to be disjunctive so that agencies need only adopt mitigation measures or alternatives but not both, the courts have stated that agencies need not even consider the feasibility of project alternatives if they adopt mitigation measures that "substantially lessen or avoid" projects' significant adverse impacts (*Laurel Hills Homeowners Association v. City Council* [Citation]. The EIR must 'contain a meaningful discussion of both alternatives and mitigation measures. . . Therefore, we conclude if there is evidence of one or more potentially significant impacts, the report must contain a meaningful analysis of alternatives or mitigation measures which would avoid or lessen such impacts'" (*Kings County Farm Bureau v. City of Hanford* [1990]).

As a result, in-lieu of the selection of the January 2012 SDSP alternative (containing no on-site commercial uses), should the Lead Agency elect to adopt the March 2010 SDSP (containing 153,985 gross leasable square feet of commercial uses), the City could reasonably accomplish similar environmental impact reductions by imposing a mitigation measure or other condition of approval eliminating the commercial component of the March 2010 SDSP. The potential environmental implications of a mitigation measure excluding on-site commercial development could be reasonably assumed to be comparable to the environmental implications of the Lead Agency's selection of the January 2012 SDSP alternative.<sup>20</sup> Since CEQA requires agencies to examine the potential environmental impacts of those mitigation measures which they choose to adopt, the information presented in this RTC2 would reasonably serve that purpose.

### 1.2.4 Environmentally Superior Alternative

A public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment.<sup>21</sup> However, the courts have stated that "CEQA does not require that an agency select the alternative course most protective of the environmental status quo [Citation]. CEQA's only purpose is to guarantee that the public and the agencies of the government will be informed of environmental impacts, that they will consider those impacts

---

examine specific variations to the number of dwelling units proposed. In rejecting the petitioner's argument that too few alternatives were analyzed, the court noted that "there are literally thousands of 'reasonable alternatives' to the proposed project". . . It is not then unreasonable to conclude that an alternative not discussed in the EIR could be intelligently considered by studying the adequate descriptions of the plans that are discussed. This EIR should 'not become vulnerable because it fails to consider in detail each and every conceivable variation of the alternatives stated' [Citation]."

<sup>20/</sup> In order to allow for consideration of a range of reasonable alternatives, the Lead Agency has elected not to present the elimination of on-site commercial uses as a possible mitigation measure for the March 2010 SDSP, thus allowing consideration of the March 2010 SDSP and the January 2012 SDSP as separate and distinct development-based alternatives for the "Site D" property.

<sup>21/</sup> 14 CCR 15021(a)(2).

before acting, and that insofar as practically possible, feasible alternatives and mitigation measures will be adopted to lessen or avoid adverse environmental impacts” (San Franciscans Upholding the Downtown Plan v. City and County of San Francisco [2002]).

Section 15126.6(e)(2) of the State CEQA Guidelines requires that an environmentally superior alternative be identified among the selected alternatives (excluding the “no project” alternative). In *Citizens for Quality Growth v. City of Mount Shasta* (1988), the courts noted: “As we see it, the fundamental purpose of CEQA is to prevent avoidable damage to the environment from projects [Citations]. If this end can be accomplished essentially by the imposition of feasible mitigation measures alone, there is no need to resort to a consideration of the feasibility of environmentally superior project alternatives identified in the environmental impact report. This apparently is the reason why (aside from their joint inclusion in environmental impact reports) mitigation measures and project alternatives are always mentioned together in the alternative rather than in the conjunctive. . . Otherwise the fundamental purpose of CEQA would become the mandatory choice of the environmentally best feasible project. We believe. . . the appropriate public agency may approve a developer's choice of a project once its significant adverse environmental effects have been reduced to an acceptable level--that is, all avoidable significant damage to the environment has been eliminated and that which remains is otherwise acceptable. In other words, CEQA does not mandate the choice of the environmentally best feasible project if through the imposition of feasible mitigation measures alone the appropriate public agency has reduced the environmental damage from a project to an acceptable level [Citation].”

### **1.3 Program and Project-Level Environmental Impact Reports**

As indicated by the Governor's Office of Planning and Research (OPR): “CEQA and the State CEQA Guidelines include provisions for streamlined approaches to environmental review commonly referred to as ‘tiering’ (CEQA Guidelines §15152). Tiering is commonly used to simplify the environmental review required for projects which follow specific plans and general plans. The result is a limited review of those project-specific effects which either were not examined or not fully examined in the specific plan EIR. A program EIR may be prepared for a series of related actions that are characterized as one large project or program (CEQA Guidelines §15168). Activities which relate to and follow the specific plan must be examined in light of the program EIR to determine if additional limited environmental analysis is warranted. Later activities which have been adequately analyzed under the program EIR will not require additional environmental documentation. If an activity may result in additional effects, or new mitigation measures are needed, a subsequent or supplemental EIR, or negative declaration must be prepared (CEQA Guidelines §15162 and 15163).”<sup>22</sup>

Section 65457 of the California Government Code (CGC) provides that once an EIR has been certified and the specific plan adopted, any residential development project (including any subdivision or zone change) that is undertaken to implement and is consistent with the specific plan is exempt from additional CEQA review. This exemption does not apply if after the adoption of the specific plan, any of the events which would trigger preparation of a subsequent or supplemental EIR occur, including substantial changes in the project or circumstances under which the project is being undertaken requiring major revisions in the project, or new information becomes available which was not known at the time the EIR was certified.

---

<sup>22</sup>/ Governor's Office of Planning and Research, *The Planner's Guide to Specific Plans, Part 3, CEQA and Specific Plans*, April 1998.

## “Site D” Specific Plan

City of Diamond Bar, California

---

In addition, as specified in Section 21080.7 of the Public Resources Code (PRC), in urbanized areas, no additional EIR or negative declaration is required for "any project involving the construction of housing or neighborhood commercial facilities" when: (1) the project is consistent with a specific plan that has a certified EIR and that has been adopted not more than five years prior to making the required findings under this section; (2) the EIR is sufficiently detailed to identify the project's significant effects and corresponding mitigation measures; (3) the lead agency has determined the type of environmental document needed in accordance with Section 21080.1 and has given notice of such fact in accordance with Section 21092, subdivision (b) or (c); (4) the lead agency makes one or more of the findings required by Section 21081 of the PRC and Section 15091 of the CEQA Guidelines; and, (5) the lead agency files a notice of decision with the county clerk for posting.

As described in the DEIR, the March 2010 SDSP included a considerable level of detail concerning the precise characteristics of the development authorized thereunder. For example, in conjunction with the March 2010 SDSP, the District was concurrently processing a tentative subdivision map (Tentative Tract Map No. 70687). In addition, the March 2010 SDSP included a conceptual drainage plan, conceptual grading plan, and internal street sections.<sup>23</sup> As a result, as contained in the DEIR, the Lead Agency was able to present a project-level analysis of the potential environmental impacts resulting from the approval and implementation of the March 2010 SDSP.

Because the January 2012 SDSP is less specific (than the March 2010 SDSP), a comparable level of environmental analysis may not be currently possible based solely on the information presented in or absent from those planning documents. Although not now present, based on the March 2010 SDSP and reasonable assumptions derived therefrom,<sup>24</sup> in combination with the City's requirement for later site plan review, the Lead Agency believes that it may be possible to maintain a similar level of project-level environmental review. Should later development activities (e.g., tentative subdivision map) substantially deviate from those assumptions, prior to their approval or conditional approval, the Lead Agency may need to conduct further environmental review of those activities to ascertain the adequacy of the FEIR to serve as the environmental bases for those actions and activities under CEQA.<sup>25</sup>

---

<sup>23/</sup> Conversely, neither those exhibits nor a comparable level of engineering detail are present in the January 2012 SDSP. Performance parameters have, however, been specified in order to protect public health and safety.

<sup>24/</sup> Detailed engineering plans are not typically associated with the preparation and processing of specific plans. Because a tentative subdivision map was prepared and identified as a discretionary action in the DEIR, certain engineering studies were presented to the Lead Agency and addressed in the DEIR. As part of the January 2012 SDSP, no tentative subdivision maps has been concurrently prepared but nevertheless constitute reasonably foreseeable future entitlements resulting from the approval of a specific plan document for the "Site D" property. In the absence of detailed engineering plans, as a general assumption, the Lead Agency has based its environmental analysis of the January 2012 SDSP on those site-specific engineering studies identified in the DEIR. However, because a lesser intensity of development is proposed under those alternatives than associated with the March 2011 SDSP, some of the improvements identified therein may not be required to adequately service the subject property or, if required, could be of lesser size or altered configuration. Since certain development plan assumptions presented in the DEIR and associated with the March 2010 SDSP have been retained, the Lead Agency's environmental analysis of the January 2012 SDSP may overestimate the potential environmental impacts attributable to those alternative projects' approval and the site's development in accordance therewith.

<sup>25/</sup> *Op. Cit.*, The Planner's Guide to Specific Plans, Part 3, CEQA and Specific Plans, Part 3, CEQA and Specific Plans.