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Appendix RTC2-A
Planning Commission Staff Reports and Minutes
(April 13, April 27, and May 11, 2010)

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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. 7.1

DATE: April 13, 2010

CASE/FILE NUMBER: "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 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 **Facts and Findings 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, to the School District, and to 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 a number of significant environmental impacts that cannot be mitigated.

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) 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 8 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:

Open the public hearing to take public testimony from the public regarding the Draft Environmental Impact Report and all land use entitlements, and continue the matter to the April 27, 2010 meeting.

SUMMARY:

The Site D Specific Plan (SDSP) was prepared to facilitate processing and approval of an approximately 30.36-acre property referred to as Site D, and its associated discretionary and administrative approvals. The Specific Plan will guide the build-out of the property in a manner which is consistent with City and State policies and standards, and assures that the project is properly developed in a coordinated manner. The proposed Specific Plan would allow the construction of 202 residential dwelling units; 153,985 gross square feet of commercial use; and approximately 8 acres of open space areas, easements and rights-of-way.

The Specific Plan is a detailed policy document, which replaces the land use designation and zoning of the underlying properties with more detailed criteria and performance standards. It is not a development plan to construct the residential and commercial buildings. Future developers will be required to submit project-specific development plans in accordance with the criteria set forth in the Specific Plan, which will be subject to review and approval by the City.

BACKGROUND:

The SDSP project area consists of 30.36 acres and comprise of the following properties:

- The Walnut Valley Unified School District owns 28.71 acres. As early as the 1970s, the District has found the property unnecessary for future school use and declared it surplus property.

- A 0.98-acre strip of land along Brea Canyon Road is owned by the City.

- A 0.67-acre segment of a flood control channel, owned and maintained by the Los Angeles County Flood Control District, separates the City and School District properties. Under the proposed Specific Plan, the channel will be covered and used for parking, non-habitable structures, and landscape and circulation elements, which are allowed under a lease agreement with the Flood Control District.

Prior Development Proposals

In 1990, the School District prepared a tentative tract map to subdivide Site D into 87 lots for the purpose of developing single-family detached residences. This effort prompted the City to study the feasibility of purchasing the land from the District for the purpose of developing a community park, which was supported by a School Board appointed advisory committee (the "7-11 Committee"). In 1991, the City pursued park development grants for Site D and the Pantera Park site, but received grant monies for Pantera Park only. In the years following this endeavor, the City completed upgrades to nearby Heritage Park, and the School District upgraded the recreational facilities at Castlerock Elementary School (the City and School District have joint-use agreements for the recreational facilities at all of the schools located in Diamond Bar).

The City and School have since agreed to cooperate and collaborate in the planning efforts for Site D so that each may advance its respective objectives for the disposition of the property.

PROJECT OBJECTIVES

The Walnut Valley Unified School District desires the disposition of the property to yield the maximum return to the District for the benefit of its constituents and its educational mission.

The City of Diamond Bar desires that the project site be developed in a manner as to assure compatibility with and to meet the needs of the surrounding area; to implement Senate Bill 375 through the creation of a mixed-use development that promotes reductions in greenhouse gas emissions through reductions in vehicle miles traveled; to help respond to the identified housing demand outlined in the current Regional Housing Needs Assessment (RHNA); and to provide a desirable level of sales tax revenues to the City.

On July 1, 2007, the City and the Walnut Valley Unified School District executed a Memorandum of Understanding (MOU) whereby the parties agreed to collaborate in the planning of the future land use for the project site—through the creation of a Specific Plan—so that both parties may each advance their respective objectives for the disposition of the property. The MOU further stipulates that "(o)f the usable acreage, on Site D, a minimum of fifty percent (50%) will be designated for residential development, and fifty percent (50%) will be designated for commercial use, exclusive of necessary infrastructure." A copy of the MOU is provided as Attachment #4.

The land use parameters set forth in the MOU establish the following additional project objectives:

- Pursue the establishment of site-specific land use policies that allow, in reasonable comparable acreage, the development of both commercial and residential uses of the property, accommodating the provision of additional housing opportunities and the introduction of revenue-generating uses; and

- Establish a specific plan as the guiding land-use policy mechanism to define the nature and intensity of future development, and to establish design and development parameters for the project site, so as to allow conveyance of the subject property to one or more developers and/or master builders, and provide to the purchasers reasonable assurance as to the uses that would be authorized on the project site and the nature of those exactions required for those uses.

The District and the City are currently not partnered with or in discussions with any developers. The focus at this time is solely to adopt a prescriptive land use plan while the public entities, as the property owners, are in a position to exert maximum control/influence over the outcome of subsequent development.

SURROUNDING LAND USES AND DEVELOPMENT:

The vacant 30.36-acre site is located in the southwestern portion of the City of Diamond Bar, on the southeast corner of Brea Canyon Road and Diamond Bar Boulevard. The site is bordered on the north by Diamond Bar Boulevard, single-family neighborhoods to the southeast and southwest, and Brea Canyon Road to the west. The Brea Canyon Flood Control Channel runs roughly parallel to Brea Canyon Road and cuts through the western portion of the property. The area north of Diamond Bar Boulevard is developed with a church, and single-family residential homes, and the area across Brea Canyon Road is developed with a gas station and professional office buildings.

EXISTING SITE CHARACTERISTICS:

The site is a relatively flat plateau with steep slopes facing north and west. The elevation differential falls approximately 100 feet from a high point in the northeast to the low point in the southwest portion of the property. The site is currently characterized by the following features:

- Much of the site is covered with annual grasses, brush and small trees. However there are areas of dense brush and trees located in the central and northern portions of the site. A stand of mature eucalyptus trees is located on the slope adjacent to Diamond Bar Boulevard.

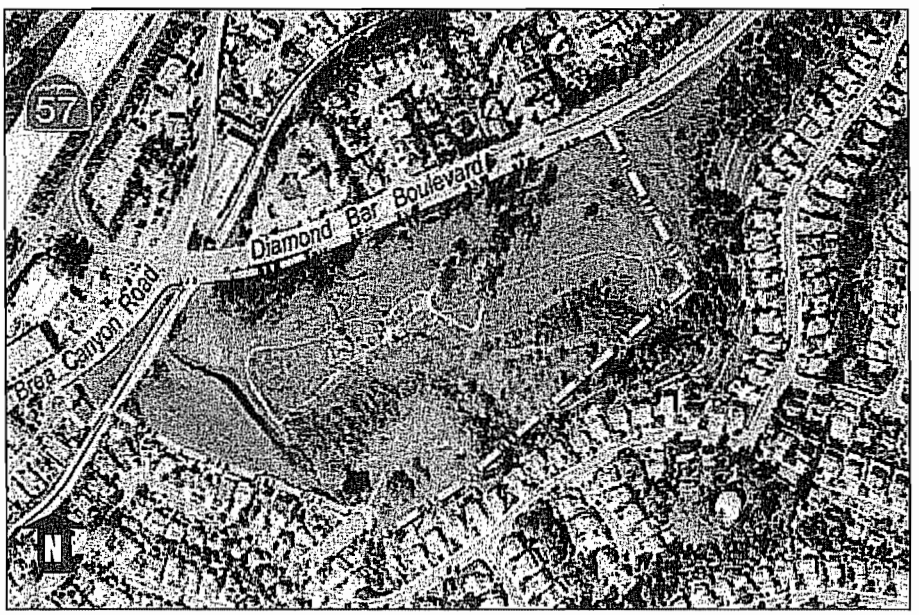
- Three species of protected trees, as listed on the City's tree preservation and protection ordinance exist, including 75 Southern California Black Walnuts, two Coast Live Oaks and five Willows. The Oaks and Willows, however, do not meet the size criteria in the tree ordinance to be classified as protected trees.

- Foot trails and access roads traverse the site.

- A Restricted Use Area (RUA) exists along the rear slope areas coterminous with the property. The RUA is comprised of engineered slopes and designed to transmit surface waters away from the slopes.

- A small area at the eastern portion of the property drains northerly to Diamond Bar Boulevard. The balance of runoff flows westerly to the Brea Canyon Storm Drain Channel, a concrete-lined flood control channel owned and maintained by the Los Angeles County Flood Control District.

- Three intermittent blue-line streams flow generally from east to west. "Blue-line streams" are naturally-occurring watercourses that are depicted on the official maps of the U.S. Geological Survey.



Site D Project Area boundaries

Site and Surrounding General Plan, Zoning and Land Uses

	General Plan Designation	Zoning District	Land Use
Site	Public Facility and General Commercial	RL, C-1	Vacant
North	Low-Medium Residential	RLM	Diamond Bar Blvd., Church and Single-Family Residential
South	Low Density Residential	RL, RLM	Single-Family Residential
East	Low Density Residential	RL	Single-Family Residential
West	Professional Office	C-1	Brea Canyon Road, Gas Station and Professional Office Buildings

KEY ELEMENTS OF THE SITE D SPECIFIC PLAN:

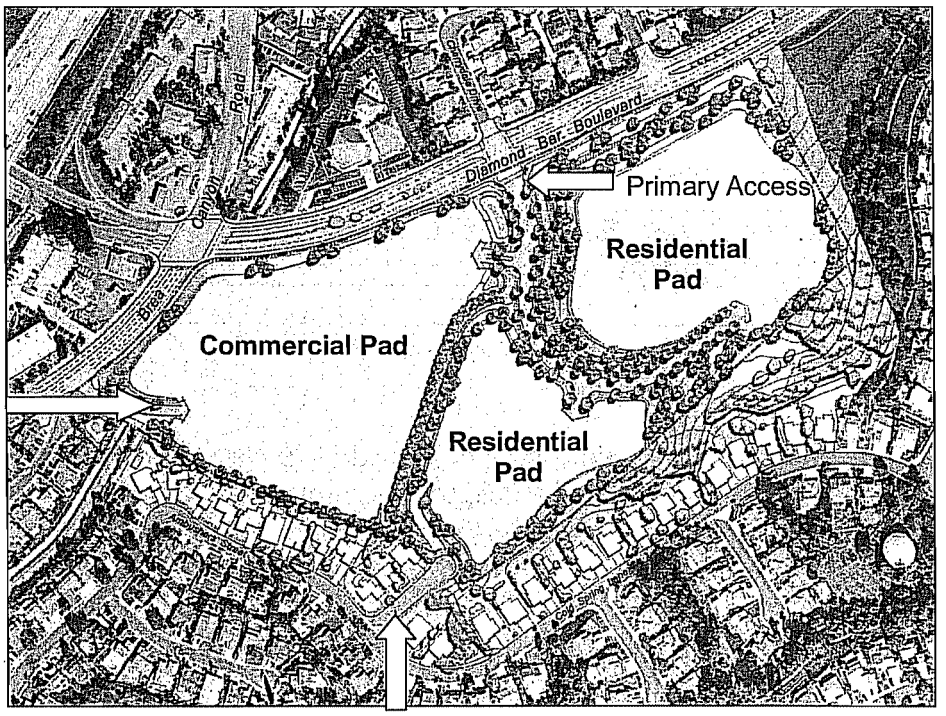
The proposed Specific Plan seeks to promote the creation of a high-quality, mixed-use development through the establishment of development standards and design guidelines. Copies of the draft Specific Plan have been distributed to the Commission under separate cover. Copies have also been made available at City Hall, County of Los Angeles Public Library, and on the City's website.

The Site D Specific Plan creates a master planned community, with three building pads. The Specific Plan incorporates physical design elements that reflect the unique topographical characteristics of Diamond Bar through the creation of a landform grading design that emulates natural topographic contours and undulations. One building pad will be graded to a slightly elevated level above the surrounding streets and designated for commercial use. The remaining two building pads are elevated as it slopes up along Diamond Bar Boulevard and designated for residential use.

Without a Specific Plan proposed for this area, the City will have less input or control in the manner in which the property is developed, the nature of the resulting land uses, and the design standards established for the new uses. Conditions of project approval are included into the Specific Plan as performance standards.

Land Use Plan

The illustrative site plan and summary below depict the primary components of the SDSP:



- Three elevated building pads (one commercial and two residential pads);

- A maximum of 202 residential dwelling units. The Site D Specific Plan intended residential uses will be "for sale" products only. It is envisioned that an attached townhome product would be best suited for the site, but does not preclude the development of any of a variety of housing product types, such as attached or detached single-family units, attached multi-family units, condominiums, townhomes, senior housing, or affordable housing;

- Up to maximum of 153,985 sq. ft. of commercial use could be developed on the project site. The intent is to have a small grocery store as the major anchor with secondary anchor retail commercial and free-standing restaurants to be located at the project entry corners in high profile locations. The permitted uses include those allowed under the Community Commercial (C-2) zone of the City's development code with certain exclusions such as manufacturing, auto sales/rental, second hand stores, bed and breakfast inns, car wash, child day care centers, medical services, vehicle services, etc.; and

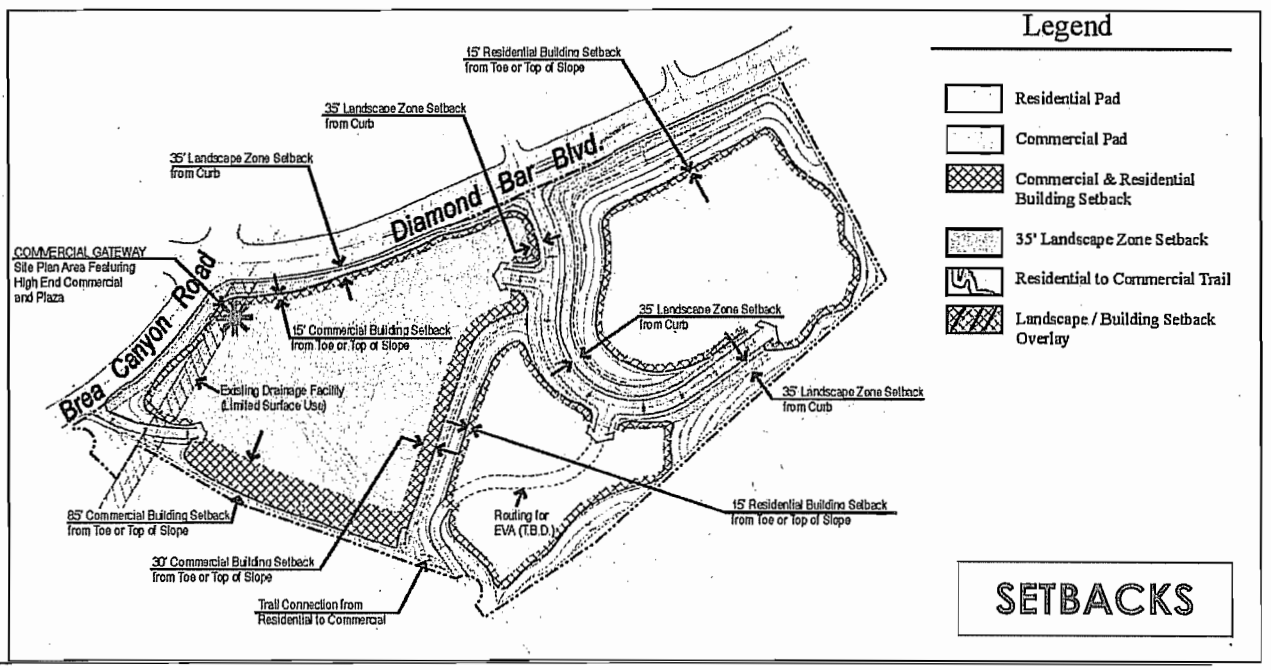
- L.A. County Flood Control Channel will be covered and used for parking, non-habitable structures, landscape and circulation.

Land Use

Use	Proposed Area
Commercial	10.1 acres (153,985 Sq. Ft.)
Residential	10.1 acres (202 dwelling units)
Open Space, Easements, Rights-of-Way	8 acres
Total	**30.36**

Development Standards

- Green, Sustainable Development: Provides a green and sustainability model requirement looking at energy efficiency, healthy indoor air quality, waste reduction, water efficiency, use of renewable and recyclable materials for building construction, etc. The required energy standards for the project exceed those currently required by State Title 24;
- Building Setbacks: The buildings will have minimum setbacks requiring 15 feet from Diamond Bar Boulevard and Brea Canyon Road measured from top or toe of pad, 85 feet from the southerly property line (which abut residential), and 30 feet from the easterly edge. Visual analysis was performed to understand how the building massing of both commercial and residential would look from the street and neighboring properties. This analysis led the City to expand some of the building setbacks;
- Landscaped Setbacks: There are minimum parking lot setbacks that will have landscaped screenings and buffer, providing 35 feet setback from Diamond Bar Boulevard and Brea Canyon Road and 30 feet from the southerly property line and easterly edge;



- Retaining Walls: Plantable crib walls will be used as retaining walls, which are filled with suitable backfill and live vegetation planted in the individual cells;

- Protected Species: Replant Southern California Walnut Woodland within the development;

- Landscape and Streetscape Requirements: There will be planting of a dense stand of native California trees such as Sycamores and Willows that are more native to the environment within the large slopes and predominately around the internal streets along the perimeter of the residential pads to replace the removal of Eucalyptus trees;

- Streetscape: Parkways, sidewalks, and bike trails link the site to Brea Canyon Road and Diamond Bar Boulevard; and

- Recreational Facilities: Incorporate private, passive and active recreational facilities.

Circulation Plan

- Primary entryway/access will be via a new signalized intersection located at Cherrydale Drive. The primary access will consist of a 60-foot wide right-of-way, consisting of two 18-foot wide travel lanes. A 7-foot wide curb-adjacent parkway and a 5-foot wide sidewalk will align both sides of the street; and

- Secondary entryway/access to the commercial site will be provided along Brea Canyon Road, via a right-in and right-out only point of ingress and egress. Additional emergency-only access to the project site will be provided from Posado Drive.

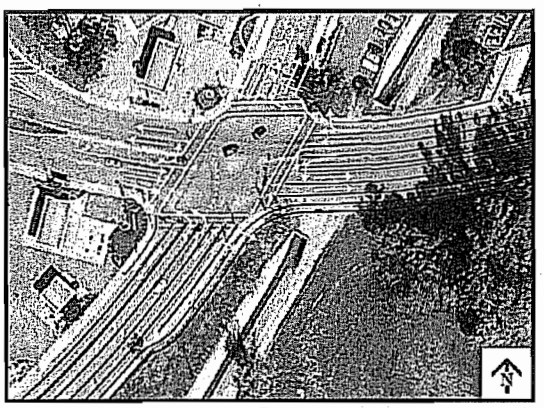
Traffic Improvements

- The existing roadways will be improved as part of implementing the Specific Plan. The development's obligations toward the existing, and plus project traffic conditions will be improved through the following traffic improvements:

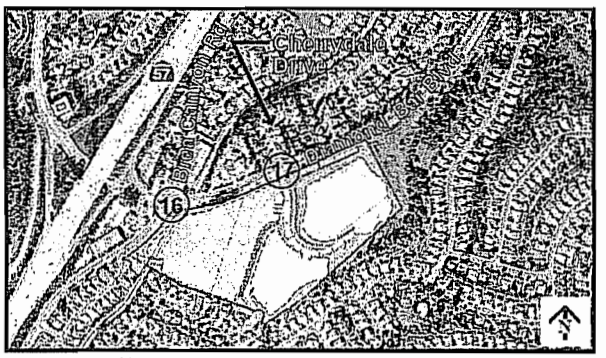
  - Pathfinder Road at Brea Canyon Cutoff Road: Widen and/or restripe eastbound Brea Canyon Cutoff Road to provide one left-turn lane, two through lanes and a separate right-turn lane. The implementation of this improvement may require some modification to existing traffic signal equipment (i.e. re-cut/install new vehicle loop detectors, modification to traffic signal controller);

  - SR-57 Southbound Ramps at Brea Canyon Cutoff Road/Diamond Bar Boulevard: Install a traffic signal. The implementation of this improvement may require some modification to existing signing and striping on Brea Canyon Cutoff or SR-57 southbound ramps; and

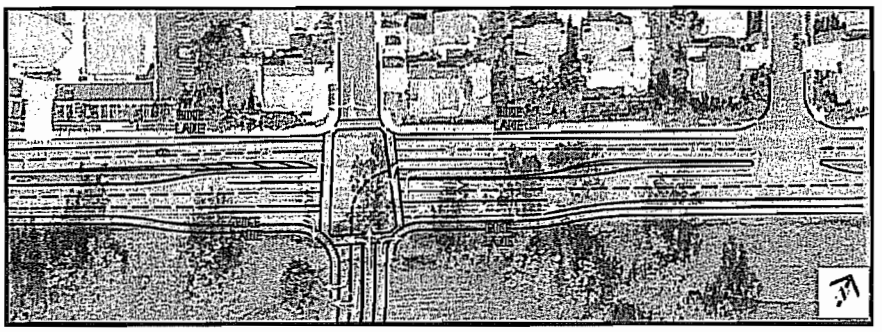
- Cherrydale Drive at Diamond Bar Boulevard: Provide an option left/through lane and a separate right-turn lane on the northbound approach; restripe southbound approach to provide an option left/through/right-turn lane on Cherrydale. Widen eastbound approach to provide a separate right-turn lane. Modify median and restripe Diamond Bar Boulevard to provide dual westbound left-turn lanes. Install traffic signal. The implementation of this improvement may require some modification to existing signing and striping on Cherrydale Drive or Diamond Bar Boulevard.



Intersection 16 - Brea Canyon Road and Diamond Bar Boulevard



Site Location Map



Intersection 17 - Cherrydale Drive and Diamond Bar Boulevard

Brea Canyon Road at Diamond Bar Boulevard
Widen and/or re-stripe northbound approach on Brea Canyon Road to provide a second right-turn lane. Widen and/or re-stripe eastbound approach and departure on Diamond Bar Boulevard to a third through lane. Re-stripe westbound approach on Diamond Bar Boulevard to provide a second left-turn lane.

Cherrydale Drive at Diamond Bar Boulevard
Provide an option left/through lane and a separate right-turn lane on the northbound approach; re-stripe southbound approach to provide an option left/through/ right-turn lane on Cherrydale. Widen and or re-stripe eastbound approach and departure on Diamond Bar Boulevard to a third through lane and provide a separate right-turn lane. Modify median and re-stripe Diamond Bar Boulevard to provide dual westbound left-turn lanes. Install traffic signal

- The developers of the site will also be required to pay fair-share fees of the construction costs to implement additional improvements to mitigate the cumulative traffic impacts of existing traffic, future non-project traffic, and project traffic. See the Traffic and Circulation Improvements and Cost Estimates, and Traffic Improvement Study Maps attached to this report (Attachments #5 & 6).

ANALYSIS:

Review Authority (Diamond Bar Municipal Code Sections 22.70 and 22.60.010)

A General Plan Amendment, Zone Change, Specific Plan, Tentative Tract Map, and an Environmental Impact Report are required for the proposed Specific Plan. Each approval is described below:

General Plan Amendment No. 2007-03 is a request to change the land use designations from Public Facility (PF) and General Commercial (C) to Specific Plan (SP). The City's General Plan, adopted on July 25, 1995, is a long-range planning document developed as a comprehensive growth-management and community development strategy. It defines citywide policies that are achieved through subsequent community plans, ordinances, standards and guidelines, studies, capital improvements, economic development and other pertinent programs. The adopted policies of the General Plan guide the physical development pattern and promote the necessity of adequate public services and facilities.

The General Plan is the controlling document. The preparation, adoption, implementation and maintenance of the General Plan aids in informing developers, citizens, decision-makers, and others of the rules that will guide development, and provide a basis for local government judgments. All land use decisions of the City have a direct correlation to the established goals and policies of the General Plan.
The existing General Plan land use designation in the area east of the L.A. County Flood Control Channel is Public Facility (PF), and the area west of the Channel is General Commercial (C). It is the objective of the City to promote and facilitate the attainment of the goals, objectives, plans, and policies contained in the General Plan by requiring new development to be compatible with surrounding land uses, and balancing the retention of the natural environment with its conversion to urban form.

The project site is the only area within the City that was designated as Public Facility (PF). At the time the General Plan was prepared, this property was perceived as a unique property requiring a site-specific land-use status. The PF designation is designed to identify existing or potential (future) sites for necessary public facilities or infrastructure improvements. The primary purpose is to provide areas for the conduct of public and institutional activities, such as public schools, parks and water facilities, etc. With regards to the General Commercial (C) designation, the intent is to provide for regional, freeway-oriented, and/or community retail and service commercial uses at a floor area ratio between 0.25 and 1.0.

The land use designation is being changed to allow for more suitable uses. The PF designation no longer serves the long-term goals and objectives for the City or the School District.

Zone Change No. 2007-04 is a request to change the zoning districts from Low Density Residential (RL) and Neighborhood Commercial (C-1) to Specific Plan. The City has elected to prepare and process a Specific Plan for this property for the purposes of:

- Defining the types of permitted and conditionally permitted land uses that the City believes to be appropriate for the project site and the project setting;
- Defining the reasonable limits to the intensity and density of those uses; and
- Establishing the design and development standards for those uses.

Specific Plan No. 2007-01 is a request to adopt the Site D Specific Plan for the approximately 30.36-acre site for the construction of 202 residential dwelling units at a density of 20 units per acre; 153,985 gross sq. ft. of commercial use at a 0.35 floor area ratio; and approximately 8-acres of open space areas, easements and rights-of-way. The Specific Plan contains development standards and guidelines tailored to take into account the natural resources of the property.

A Specific Plan is a regulatory tool that local governments can use to implement the General Plan and guide development in a localized area. California Government Code Sections 65450 through 65454 establishes the authority to adopt a Specific Plan, identify the required contents of a Specific Plan, and mandate consistency with the General Plan. A Specific Plan is able to focus on the unique characteristics of a specific area by customizing the planning process and land use regulations for that area. It also provides for flexibility and encourages innovative use of land resources and development of a variety of land use types.

The use of a Specific Plan was chosen to guide the development on this site to establish development standards (e.g., permitted uses, setbacks, landscaping, sign criteria, subdivision, etc.), design guidelines, and public improvement requirements unique to this property that would facilitate the goals of the General Plan and augment the City's revenue base to better support public services and facilities.

Through the adoption of a site-specific planning document, the Site D Specific Plan seeks to promote the creation of a high-quality, mixed-use development through establishment of development standards and design guidelines. A maximum of 202 residential dwelling units and 153,985 sq. ft. of commercial use could be developed on the project site.

Tentative Tract Map No. 70687 is a request 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. The subdivision of the project site creates separate development areas within the subject property that can be conveyed to subsequent holders of real property interests, as well as establish an internal circulation system and common open space areas.

The development of the project site will be designed with a common landscape and architectural theme. Trails and sidewalks will be provided to allow easy access to each use from within the project and from the surrounding community.

The Site D Specific Plan is a set of guiding criteria. A developer will have to go through another approval process for a development plan to construct the residential and commercial buildings.

General Plan Consistency

California Government Code states that a Specific Plan shall include a statement of the relationship of the Specific Plan to the General Plan, and further, that it may not be adopted or amended unless found to be consistent with the General Plan.

Consistency with the General Plan is achieved when the various land uses within the Specific Plan are compatible with the objectives, policies, general pattern of land uses and programs contained in the General Plan. The Site D Specific Plan implements the goals and policies of the City's General Plan, listed in the Draft Specific Plan and Findings of Fact.

Project Benefits

The proposed Specific Plan would result in a number of identifiable community benefits, some of which include:

- Defines the types of permitted and conditionally permitted land uses that will be appropriate for the project site and for the project setting, defines reasonable limits to the type, intensity, and density of those uses, and establishes the design and development standards for those uses;

- Serves as a valuable regulatory tool for the systematic implementation of the City's General Plan;
- Imposes reasonable development controls and standards designed to ensure the integrated development of the project site;
- Facilitates the School District's efforts to sell the surplus property by providing a subsequent purchaser reasonable certainty as to the type, intensity, and general configuration of allowable on-site land uses;

- Optimizes the benefits of the School District sale of surplus property of the benefit of its constituents and its educational mission;

- Results in the production of 202 new housing units within the City, thus helping the City to respond to the identified housing demand outlined in the current Regional Housing Needs Assessment (RHNA). This project would represent about 18.5 percent of the projected housing needs for the period between 2005-2014;

- Increases the diversity of housing types in the City;

- Presents homebuyers with additional purchase options and price variations allowing homebuyers to better match housing choices with household needs and demands through construction and sale of attached residential condominium units;

- Creates a mixed-use development that will promote the attainment or regional jobs-to-housing ratio objectives established by regional governmental entities and produce corresponding environmental benefits, consistent with Southern California Association of Governments Policies;

- Implements Senate Bill 375 which drives land use development to reduce greenhouse gas emissions by:

  - Promoting a mixed-use development by providing both residential and commercial uses on the same site which serve to reduce vehicle miles traveled (VMT) and corresponding air quality benefits;

  - Promote alternative modes of transportation by providing bike and pedestrian trails and bus stops located adjacent to Site D and facilitate alternative modes of transportation. Transit is expected to be provided by the Metropolitan Transit Authority (MTA), Foothill Transit, and the City's fixed-route transportation system; and

  - Integrate green building strategies into its design through energy efficiency; water-efficient land use and development using drought-tolerant landscaping and use of low-flow toilets, showerheads, and other fixtures; and use of renewable and recyclable materials for building construction, etc.

- Allows for the productive use of an underutilized property in the City's General Plan, converting a tax-exempt property to a private use, and introduces a land use that will generate sales and other taxes for the benefit of the City and its constituents;

- Traffic improvements to the Diamond Bar Boulevard/Brea Canyon Road intersection will improve traffic flow in and through that intersection; and

- Facilitates the ability of the City and other agencies to undertake improvements to specific public facilities through payment of school impact, park, and traffic impact fees and other exactions.

ENVIRONMENTAL ASSESSMENT:

The California Environmental Quality Act (CEQA) requires an environmental review of projects, and the Site D Specific Plan is a project that is subject to the provisions of CEQA. The Draft Environmental Impact Report (EIR) provides a detailed analysis of potential environmental impacts associated with the development of the Specific Plan area. The Draft EIR includes mitigation measures for the project, addresses project alternatives, identifies the environmentally superior project alternative, and adopts a statement of overriding considerations.

Public Notices and Meeting Dates

Notices	Dates
Notice of Preparation (NOP)	February 1 – March 5, 2008
Scoping Meeting	February 21, 2008
Notice of Completion (NOC)	June 25 – August 10, 2009
Neighborhood Meeting	August 3, 2009

Notice of Preparation: The City circulated a Notice of Preparation (NOP) to public agencies, special districts, and members of the public requesting such notice for a 30-day period commencing February 1, 2008 and ending March 5, 2008.

Scoping Meeting: During the NOP period, the City advertised a public scoping meeting on February 21, 2008 held at the South Coast Air Quality Management District/Government Center, Room CC-6. The meeting was intended to facilitate public input. Approximately 20 residents attended the meeting with the majority from the Ambushers Street neighborhood. Several issues raised at this meeting include impacts of view from Cherrydale, noise, traffic, buffer from commercial development, need for green space at entryway, preference to see residential development with less commercial, and to consider senior housing development.

Notice of Completion/Availability: The Draft EIR was prepared by the City's environmental consultant, Environmental Impact Sciences on June 2009. A Notice of Completion and Availability was filed with the Office of Planning and Research on June 22, 2009. The 45-day public review period was from June 25, 2009 through August 10, 2009.

Neighborhood Meeting: On August 3, 2009, a neighborhood forum was held at the Heritage Park Community Center to provide the public with an additional opportunity to ask questions and comment on the Draft Environmental Impact Report, prior to the close of the 45-day public review period. All written and verbal public testimony was taken, and written responses to the comments and issues raised are provided in the Response to Comments on the Draft EIR (Attachment #9). The Response to Comments includes all comments received during the 45-day public review period. CEQA requires that the City evaluate comments on environmental issues received from persons or agencies who prepared a written response.

Key Areas of Impacts Analyzed

The Draft EIR addresses significant and potentially significant environmental effects, including land use, population and housing, geotechnical hazards, hydrology and water quality, biological resources, traffic and circulation, air quality, noise, public services and facilities, utilities and service systems, cultural resources, aesthetics, and growth inducement. Where significant and potentially significant adverse impacts were identified, the Draft EIR proposes measures to mitigate them. The mitigation measures are set forth in the Mitigation Reporting and Monitoring Program listed in Table ES-2 in the Draft EIR.

Alternatives Explored

In addition to the analysis of the proposed project, one of the primary purposes of the EIR is to provide public agencies and other parties with an analysis of a reasonable range of alternatives to the proposed project that, if implemented, could reduce or avoid one or more of the project's significant environmental effects. Four development alternatives and one no-development alternative, representing a range of reasonable alternatives to the proposed project, are listed below:

Alternative 1 ("No Project"): No physical changes to the project site would occur, the property would remain in its present condition, and no new development activities or other public improvements would occur.

Alternative 2 ("Public Facilities"): Under this alternative, it is assumed that the estimated developable area of the project site (20.2 acres) is developed at a floor area ratio of 0.25. A total of 220,000 sq. ft. of public facilities use would be developed on the site. The Draft EIR assumes the sale of the property to a private entity and thus, assumes that the project would be developed to include a 73,000 sq. ft. (500-student) private school, and a 147,000 sq. ft. church.

Alternative 3 ("Community Commercial"): Based on the estimated net acreage of 20.2 acres at a floor area ratio of 0.35, a total of 307,969 sq. ft. of commercial use would be developed.

Alternative 4 ("Low-Density Residential"): Based on the estimated net acreage of 20.2 acres at a density of 3 dwelling units, a total of approximately 60 single-family detached and/or single-family attached units would be developed on the project site.

Alternative 5 ("High-Density Residential"): Based on the estimated net acreage of 20.2 acres, a total of approximately 404 dwelling units could be constructed on the site.

Continued on Next Page

LAND-USE ASSUMPTIONS FOR PROJECT ALTERNATIVES

Land Use	Proposed Project	Alternative 1 No Project	Alternative 2 Public Facilities	Alternative 3 Community Commercial	Alternative 4 Low-Density Residential	Alternative 5 High-Density Residential
Project Acreage	29.7	29.7	29.7	29.7	29.7	29.7
Total Developed Acres (gross acres)	29.7	-	29.7	29.7	29.7	29.7
Retained Open Space (gross acres)	-	29.7	-	-	-	-
Developable Area (net acres)	20.2	-	20.2	20.2	20.2	20.2
Residential Acreage (net acres)	10.1	-	-	-	20.2	20.2
Number of Dwelling Units	202 DU	0	-	-	60 DU	404
Residential Density	20 DU/A	-	-	-	3 DU/A	20 DU/A
Commercial Acreage (net acres)	10.1	-	-	20.2	-	-
Commercial Square Footage	153,985 Sq. Ft.	-	-	307,969	-	-
Other Square Footage (square footage)	-	-	73,000 S.F. School 147,000 S.F. Church		-	-
Floor Area Ratio	0.35[2]	-	0.25[3]	0.35[4]	-	-
General Plan Amendment Required	Yes	No	City Property	District Property	City Property	City and District Properties
Zone Change Required	Yes	No	City Property	District Property	City Property	City and District
Specific Plan Approval Required	Yes	No	No[5]	No[5]	No[5]	No[5]

Notes:
1. A "no project" alternative is specifically required under CEQA.
2. Calculated by dividing the commercial acreage (10.1 acres or 439,956 sq. ft.) by the commercial square footage (153,885).
3. Calculated by dividing the net developable area (20.2 acres or 879,912 sq. ft.) by the total square footage (220,000).
4. Calculated by dividing the total site area (20.2 acres or 879,912 sq. ft.) by the commercial square footage (307,969).
5. None of these alternatives preclude the development of a specific plan; however, because only a single land use if proposed, development could proceed absent the City's consideration of a specific plan.

Source: TRG Land, Inc.

Alternatives Considered But Eliminated by the City (Lead Agency)

The following alternatives were considered but were rejected as infeasible during the environmental scoping process:

- Alternative Site: There is no comparable property which could be substituted for the project site;

- Conservation/Retained Open Space: The City has not identified a funding source which would allow for the public acquisition of the property, including its long-term maintenance. Additionally, the property is not designated for conservation or other open space purpose in the General Plan. To designate this property for open space requires approval of a bond measure with a favorable vote of the people;

- Senior Housing: The inclusion of one or more residential alternatives ensures the City's consideration of housing options; and

- Component Parts: The property could be developed separately under different ownership. However, it would eliminate or reduce the potential planning benefit inherent in a more holistic approach.

Selection of Environmentally Superior Alternative

CEQA requires an identification of the environmentally superior alternative. In circumstances such as this one where Alternative 1: No Project is environmentally superior (because it is the only one that reduces the unavoidable air impacts), it is necessary to identify a feasible, the second most environmentally superior alternative. In this case, Alternative 2: Public Facilities, Alternative 4: Low-Density Residential, and Alternative 5: High-Density Residential was considered to be environmentally superior to the proposed project. Since the economic feasibility of Alternative 4: Low-Density Residential cannot be determined at this time, the environmentally superior alternatives are the Alternative 2: Public Facilities and Alternative 5: High-Density Residential.

COMPARATIVE EVALUATION OF PROJECT ALTERNATIVES

Significant Environmental Effect	Proposed Project	Project Alternative				
		No Project	Public Facilities	Community Commercial	Low-Density Residential	High-Density Residential
Environmental Considerations						
Air Quality (Construction)	Significant	Not Significant	Significant	Significant	Significant	Significant
Air Quality (Operational)	Significant	Not Significant	Not Significant	Significant	Not Significant	Not Significant
Air Quality (Cumulative)	Significant	Not Significant	Significant	Significant	Significant	Significant
Number of Unmitigated Significant Impacts	3	0	2	3	2	2
Attainment of Stated Objectives						
Lead Agency	Yes	No	Yes	Yes	Yes	Yes
Applicant	Yes	No	Yes	Yes	Yes	Yes
Feasibility						
Economic[1]	Unknown[2]	No	Unknown[2]	Unknown[2]	Unknown[2]	Unknown[2]
Legal	Yes	No	Yes	Yes	Yes	Yes
Socially	Yes	No	Yes	Yes	Yes	Yes
Technologically	Yes	Yes	Yes	Yes	Yes	Yes
Environmentally Superior Alternative						
	-	Superior	Superior		Superior	Superior

Notes:
1. No detailed economic analysis, marketing study, or real property appraisal of the proposed project or the examined alternatives were developed by the Lead Agency or provided to the Lead Agency by the Applicant.
2. Subject to an economic feasibility analysis.

Source: Environmental Impact Sciences

The project site is currently zoned Low-Density Residential (RL) and Neighborhood Commercial (C-1). It should be assumed that the property can be developed for residential and commercial uses in accordance with existing land use policies. Without a Specific Plan, the City will have less input with regards to the manner in which the property is developed, the nature of the resulting land uses, and the design standards established for those uses.

Mitigation Reporting and Monitoring Program (MRMP)

A mitigation reporting and monitoring program has been prepared, which address site-specific conditions for the project. The purpose of the MRMP is to ensure compliance with the mitigation measures. The program also identifies the timing and responsibility for monitoring each measure and is attached as an exhibit to the draft resolution recommending certification of the DEIR and adoption of the mitigation reporting and

monitoring program (Attachment #1). At the time of the certification of the EIR, the MRMP is adopted as part of project approval.

Environmental Impacts That Cannot Be Mitigated

The construction of the site leads to temporary air quality impacts resulting from construction emissions and stationary source emissions. This project site lies in the South Coast Air Basin, an area that is already located in a non-attainment area. Based on South Coast Air Quality Management District's (SCAQMD) guidelines, any construction cannot be mitigated, but are subject to standard conditions and uniform codes.

The air quality impact could not be feasibly mitigated and would result in a significant and unavoidable impact with implementation of the proposed Specific Plan. The City is required to adopt findings in accordance with Section 15091 of the CEQA Guidelines and adopt a Statement of Overriding Considerations in accordance with Section 15093 of the CEQA Guidelines.

The proposed Specific Plan would produce significant unavoidable adverse impact in the following three areas:

1. Air Quality (Construction Impact): Combined emissions or reactive organic gases (ROG) are estimated at 136.02 pounds/day. This value would exceed the 75-pound/day threshold recommended by the South Coast Air Quality Management District and the impact would be deemed to be significant;

2. Air Quality (Operational Impact): Operationally, the proposed project is projected to create ROG, oxides of nitrogen (NOx), and carbon dioxide (CO) emissions in excess of the SCAQMD suggested daily threshold criteria; and

3. Air Quality (Cumulative Impact): Related project activities, in combination with the construction and operation of the proposed project, will incrementally contribute to regional air emissions within the South Coast Air Basin.

Facts of Findings and Statement of Overriding Considerations

Prior to approving the proposed Specific Plan, the City shall certify that the FEIR has been completed in accordance with CEQA; that the FEIR was presented, reviewed and considered by the decision making body; and that the FEIR reflects the decision making body's independent judgment and analysis. The City is required to adopt findings in accordance with CEQA Guidelines Section 15091 when significant effects have been identified in the Draft EIR relating to changes or alterations in the project, mitigation measures, and alternatives. The Findings of Fact and Statement of Overriding Considerations is attached as an exhibit to the draft resolution recommending certification of the DEIR and adoption of the mitigation reporting and monitoring program (Attachment #1). Details of these impacts are discussed in the Draft EIR. All impacts have been mitigated below a level of significance, except air quality impacts.

No alternatives or mitigation measures were identified which could reduce the air quality impacts below a level of significance.

Even though a review of environmental impacts shows that an environmentally superior alternative exists, the City can still approve the proposed project. According to Section 15093 of the CEQA Guidelines, CEQA requires that the City balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of the proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable." In order to do this, the public agency must adopt a "Statement of Overriding Considerations" – a document that states the reasons for why the project should be approved even though there are environmental impacts that cannot be mitigated.

The City has identified economic and social benefits that will accrue to the City, to the School District, and to the region, and important public policy objectives that will result from the implementation of the proposed project. Therefore, the Planning Commission may find that the proposed project's identified benefits override the project's air quality impacts.

NOTICE OF PUBLIC HEARING:

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.

RECOMMENDATION:

Open the public hearing to take public testimony from the public regarding the Draft Environmental Impact Report and all land use entitlements, and continue the project to the April 27, 2010 meeting.

Prepared by:

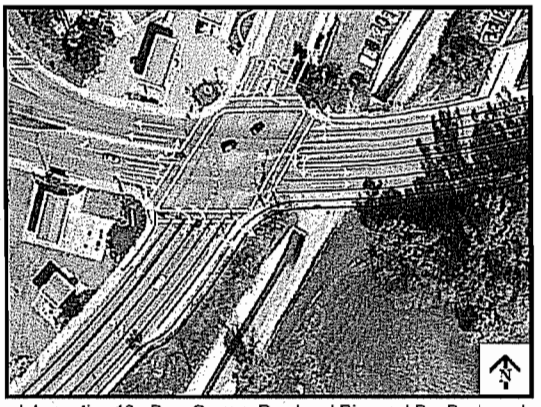
Grace S. Lee
Senior Planner

Reviewed by:

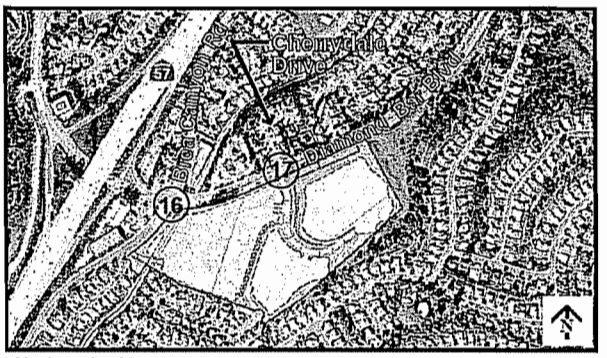
Greg Gubman, AICP
Community Development Director

Attachments:

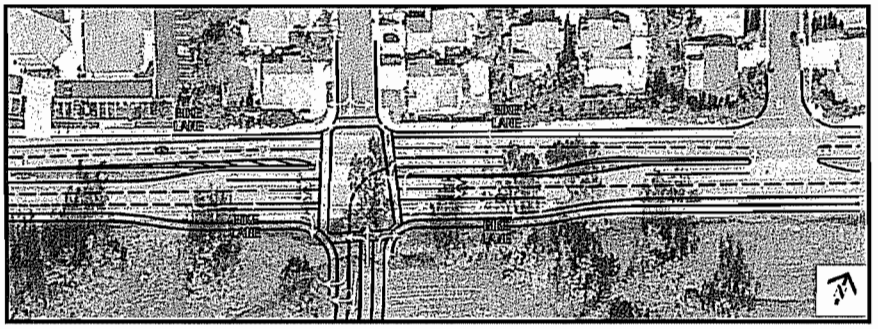
1. Draft Resolution No. 2010-XX (Recommending Certification of the DEIR and Adoption of the Mitigation Reporting and Monitoring Program)
2. Draft Resolution No. 2010-XX (Recommending Approval of GPA and ZC)
3. Draft Resolution No. 2010-XX (Recommending Approval of SP and TTM)



Intersection 16 - Brea Canyon Road and Diamond Bar Boulevard



Site Location Map



Intersection 17 - Cherrydale Drive and Diamond Bar Boulevard

Brea Canyon Road at Diamond Bar Boulevard
Widen and/or re-stripe northbound approach on Brea Canyon Road to provide a second right-turn lane. Widen and/or re-stripe eastbound approach and departure on Diamond Bar Boulevard to a third through lane. Re-stripe westbound approach on Diamond Bar Boulevard to provide a second left-turn lane.

Cherrydale Drive at Diamond Bar Boulevard
Provide an option left/through lane and a separate right-turn lane on the northbound approach; re-stripe southbound approach to provide an option left/through/ right-turn lane on Cherrydale. Widen and or re-stripe eastbound approach and departure on Diamond Bar Boulevard to a third through lane and provide a separate right-turn lane. Modify median and re-stripe Diamond Bar Boulevard to provide dual westbound left-turn lanes. Install traffic signal

- The developers of the site will also be required to pay fair-share fees of the construction costs to implement additional improvements to mitigate the cumulative traffic impacts of existing traffic, future non-project traffic, and project traffic. See the Traffic and Circulation Improvements and Cost Estimates, and Traffic Improvement Study Maps attached to this report (Attachments #5 & 6).

Attachment 1

PLANNING COMMISSION
RESOLUTION NO. 2010-XX

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

A. RECITALS

1. On July 1, 2007, the property owner/co-applicant, Walnut Valley School District, and property owner/co-applicant/lead agency, City of Diamond Bar, executed a Memorandum of Understanding whereby the parties agreed to collaborate in the planning of the future land use for the approximately 30.36-acre parcel property located at the southeast corner of Brea Canyon Road and Diamond Bar Boulevard, City of Diamond Bar, County of Los Angeles, California so that both parties may each advance their respective objectives for the disposition of the property.

2. The following approvals are requested of the City Council [Items (a) through (d) below are collectively referred to as the "Project"]:

   (a) General Plan Amendment No. 2007-03 to change the land use designations from Public Facility (PF) and General Commercial (C) to Specific Plan (SP);

   (b) Zone Change No. 2007-04 to change the zoning districts from Low Density Residential (RL) and Neighborhood Commercial (C-1) to Specific Plan

   (c) Specific Plan No. 2007-01 to adopt the Site D Specific Plan for the approximately 30.36 acre site to facilitate the development of a maximum of 202 residential dwelling units; a maximum of 153,985 gross sq. ft. of commercial floor area; and approximately 8 acres of open space areas, easements, and rights-of-way;

(d) Tentative Tract Map No. 70687 to establish separate residential, commercial, and open space parcels; create an internal circulation system and common open space areas; and establish easements and other rights-of-way for utility and other purposes; and

(e) Environmental Impact Report 2007-02 to certify the Final Environmental Impact Report, which provides a detailed analysis of potential environmental impacts associated with the development of the Specific Plan area. The Final EIR includes mitigation measures for the project, addresses project alternatives, identifies the environmentally superior project alternative, and adopts a statement of overriding considerations;

3. Notification of the public hearing for this project was published in the San Gabriel Valley Tribune and the Inland Valley Daily Bulletin newspapers on April 2, 2010. Public hearing notices were mailed to property owners within a 1,000-foot radius of the Project site and public notices were posted at the City's designated community posting sites. In addition to the published and mailed notices, the project site was posted with a display board and the notice was posted at three other locations within the project vicinity; and

4. On April 13 and April 27, 2010, the Planning Commission of the City of Diamond Bar conducted a duly noticed public hearing, solicited testimony from all interested individuals, and concluded said hearing on that date.

B. RESOLUTION

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

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

2. The Planning Commission hereby finds that the project identified above in this Resolution required an Environmental Impact Report (EIR). EIR (SCH No. 2008021014) has been prepared according to the requirements of the California Environmental Quality Act (CEQA) and guidelines promulgated thereunder. The 45-day public review period for the EIR began June 25, 2009 and ended August 10, 2009. Furthermore, the Planning Commission has reviewed the EIR and related documents in reference to the Project;

3. The Planning Commission based on the findings and conclusions set forth herein, hereby finds and determines that conditions have been incorporated into the Application, which mitigate or avoid significant adverse environmental impacts identified in Environmental Impact Report

(SCH #2008021014) except as to those effects which are identified and made the subject of a Statement of Overriding Considerations which this Planning Commission recommends to City Council and finds are clearly outweighed by the economic, social, and other benefits of the proposed project, as more fully set forth in the Statement of Overriding Considerations; and

4. The Planning Commission hereby recommends that the City Council certify the to be EIR complete and adequate; and adopt the Findings of Facts and Statement of Overriding Considerations, and Mitigation Report and Monitoring Program attached herein as Exhibits "A" and "B" and hereby incorporated by reference.

The Planning Commission shall:

(a) Certify to the adoption of this Resolution; and

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

APPROVED AND ADOPTED THIS 27th DAY OF APRIL 2010, BY THE PLANNING COMMISSION OF THE CITY OF DIAMOND BAR.

By: _____
Tony Torng, Chairman

I, Greg Gubman, Secretary of the Planning Commission of the City of Diamond Bar, do hereby certify that the foregoing Resolution was duly introduced, passed, and adopted, at a regular meeting of the Planning Commission held on the 27th day of April, 2010, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

ATTEST: _____
Greg Gubman, Secretary

Exhibit A

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

FINAL ENVIRONMENTAL IMPACT REPORT – "SITE D" SPECFIC PLAN STATE CLEARINGHOUSE NO. 2008021014

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

1.0 PROJECT DESCRIPTION

1.1 Project Location

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

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

1.2 Project Description

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

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

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

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

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

1.3 Project Objectives

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

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

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

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

1.3.1 Future Growth Needs

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

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

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

1.3.2 Senate Bill 375

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

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

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

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

2.0 INTRODUCTION TO FINDINGS

2.1 Format of Findings

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

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

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

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

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

Section 4.0 (Findings Regarding the Significant or Potentially Significant Environmental Effects of the Proposed Project which cannot Feasibly be Mitigated to Below a Level of Significance). This section sets forth findings regarding the significant or potentially significant environmental impacts of the proposed project which cannot feasibly be mitigated to a less-than-significant level based on the threshold of significance criteria presented in the FEIR and which will or may result from the approval, construction, habitation, and/or use of the project and/or the project site.

Section 5.0 (Findings Regarding the Significant or Potentially Significant Environmental Effects of the Proposed Project which can Feasibly be Mitigated to Below a Level of Significance). This section sets forth findings regarding the significant or potentially significant environmental impacts of the proposed project which either do not manifest at a level of significance based on the threshold of significance criteria presented in the FEIR or which can feasibly be mitigated to a less-than-significant level through the imposition of standard conditions of approval and/or those mitigation measures included in the FEIR and adopted or likely to be adopted in the project's "Mitigation Reporting and Monitoring Program" (MRMP).

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

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

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

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

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

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

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

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

2.2 Findings of Fact and Statement of Overriding Considerations

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

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

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

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

(1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects, as identified in the final EIR. [This finding shall be referred to herein as "Finding (1)"]

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the findings. Such changes have been adopted by such other agency or can and should be adopted by such other agency. [This finding shall be referred to herein as "Finding (2)"]

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

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

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

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

2.3 Record of Proceedings

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

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

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

(6) "Minutes of the City of Diamond Bar Neighborhood Forum of Site "D" Specific Plan Draft Environmental Impact Report, Heritage Park Community Center, 2900 S. Brea Canyon Road, Diamond Bar, August 3, 2009," as prepared by the City of Diamond Bar Community Development Department (Department);

(7) All written and verbal public testimony presented during noticed scoping meetings and public hearings for the proposed project at which public testimony was taken;

(8) "Mitigation Reporting and Monitoring Program" (MRMP), as presented in the DEIR and as subsequently adopted by the City Council;

(9) All agendas, staff reports, and approved minutes of the City's Planning Commission and City Council relating to the proposed project;

(10) All maps, exhibits, figure, and text comprising the "'Site D' Specific Plan";

(11) Matters of common knowledge to the City including, but not limited to, federal, State, and local laws, rule, regulations, and standards;

(12) These Findings and all documents expressly cited in these Findings; and

(13) Such other relevant materials required to be in the record of proceedings under Section 21167.6(e) of CEQA.

2.4 Custodian and Location of Records

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

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

3.0 GENERAL FINDINGS

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

(1) Under CEQA, the City of Diamond Bar is the appropriate "Lead Agency" for the proposed project and during the project's CEQA proceedings no other agency asserted or contested the City's "Lead Agency" status;

(2) As part of the CEQA process, in compliance with the provisions of Senate Bill (SB) 18 and the Governor's Office of Planning and Research's (OPR) "Supplement to General Plan Guidelines – Tribal Consultation Guidelines" (2005), the Lead Agency notified the appropriate California Native American tribe of the opportunity to conduct consultation for the purpose of preserving or mitigating impacts to cultural places, referred the proposed action to those tribes that are on the Native American Heritage Commission (NAHC) contact list that have traditional lands within the agency's jurisdiction, and send notice to tribes that have filed a written request for such notice;

(3) In recognition of the fact that the real property examined in the FEIR includes separate properties owned by the City, the District, and the County, the Lead Agency conducted extensive consultation with those agencies, in combination with other agencies identified by the Lead Agency in the FEIR, are identified as "Responsible Agencies" under CEQA;

(4) Copies of the Initial Study, NOP, DEIR, and NOC were provided to those Responsible Agencies identified in the FEIR and each such agency was provided a specified review period to submit comments thereupon;

(5) In compliance with Section 21092.5(a) of CEQA, at least 10 days prior to the certification of the FEIR, the Lead Agency provided its written proposed response to those public agencies that submitted comments to the Lead Agency on the DEIR;

(6) The FEIR and all environmental notices associated therewith were prepared in compliance with CEQA and the State CEQA Guidelines and in accordance with the City's local guidelines and procedures;

(7) The City Council has independently reviewed and analyzed the FEIR and the FEIR reflects the independent judgment of the City Council;

(8) A MRMP has been prepared for the proposed project, identifying those feasible mitigation measures that the City Council has adopted or will likely adopt in order to reduce the potential environmental effects of the proposed project to the maximum extent feasible;

(9) The mitigation measures adopted or likely to be adopted by the City Council will be fully implemented in accordance with the MRMP, verification of compliance will be documented, and each measure can reasonably be expected to have the efficacy and produce the post-mitigated consequences assumed in the FEIR;

(10) Each of the issues to be resolved, as identified in the FEIR and/or subsequently raised in comments received by the City during the deliberation of the City's advisory and decision-making bodies, have been resolved to the satisfaction of the City Council;

(11) The potential environmental impacts of the proposed project have been analyzed to the extent feasible at the time of certification of the FEIR;

(12) The City Council reviewed the comments received on the FEIR, including, but not limited to, those comments received following the dissemination of the DEIR and RTC, and the responses thereto and has determined that neither the comments received nor the responses thereto add significant new information under Section 15088.5 of the State CEQA Guidelines;

(13) The City Council has not made any decisions that would constitute an irretrievable commitment of resources toward the proposed project prior to the certification of the FEIR nor has the City Council previously committed to a definite course of action with respect to the proposed project;

(14) Copies of all the documents incorporated by reference in the FEIR are and have been available for review during the regular business hours of the City at the office of the Community Development Department from the custodian of records for such documents;

(15) These Findings incorporate by reference such other findings as may be required under Sections 65454, 65455, 66474, 66474.4, 65853, and 65860 of the California Government Code and those corresponding finding required under the "City of Diamond Bar Municipal Code" (Municipal Code); and

(16) Having received, reviewed, and considered all information and documents in the record, the City Council has or will impose conditions, mitigation measures, and take other reasonable actions to reduce the environmental effects of the proposed project to the maximum extend feasible and finds as stated in these Findings.

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

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

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

4.1 Air Quality

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

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

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

(a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated herein by reference.

(b) The air quality analysis was conducted in accordance with the methodology presented in the South Coast Air Quality Management District's (SCAQMD) "CEQA Air Quality Handbook" (SCAQMD, April 1993), "Localized Significance Threshold Methodology" (SCAQMD, June 2005), and updates included on the SCAQMD Internet web site. The analysis makes use of the URBEMIS2007 urban emissions model (Version 9.4.2) for the determination of daily construction and operational emissions, the United States Environmental Protection Agency's (USEPA) SCEEN3 Dispersion model for localized construction impacts, the provisions of the California Department of Transportation's (Caltrans) "Transportation Project-Level Carbon Monoxide Protocol," and CALINE4 computer model of on-road carbon monoxide (CO) dispersion modeling.

(c) Air quality impacts will occur during site preparation and construction activities. Major sources of emissions during construction include exhaust emissions, fugitive dust generated as a result of soil and material disturbance during grading activities, and the emission of reactive organic gases (ROGs) during site paving and the painting of the structures.

(d) The terms "reactive organic gases" (ROGs), "reactive organic compounds" (ROCs), and "volatile organic compounds" (VOCs) are used interchangeable in the DEIR.

(e) Based on the SCAQMD's recommended threshold criteria, URBEMIS computer model results indicate that ROG emissions associated with the application of paints and coatings could result in a potentially significant short-term air quality impact. Because the construction phase could create ROG emissions is exceedance of the SCAQMD's recommended significance threshold, the Lead Agency has formulated a number of mitigation measures (Mitigation Measures 7-1 and 7-2) to reduce that impact to the extent feasible.

(f) In addition to those mitigation measures identified by the Lead Agency, all projects constructed in the South Coast Air Basin (SCAB) are subject to standard conditions and uniform codes. Compliance with these provisions is mandatory and, as such, does not constitute mitigation under CEQA. Those conditions mandated by the SCAQMD include, but are not limited to, the following: (1) Rule 403 requires the use of Best Available Control Technologies (BACT) during construction and sets requirements for dust control associated with construction

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

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

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

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

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

(a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated herein by reference.

(b) The major source of long-term air quality impacts is that associated with the emissions produced from project-generated vehicle trips. With regards to mobile source emissions, based on the findings of the traffic analysis, the proposed project is estimated to produce 9,276 average daily vehicle trips (ADT).

(c) Emissions associated with project-related trips are based on the URBEMIS2007 computer model and assumed site occupancy in 2009. Since emissions per vehicle are reduced annually due to tightening emissions restrictions and replacement of older vehicles, the use of 2009 emission factors presents a worst-case analysis with regards to operational air quality impacts.

(d) Operational ROG, nitrogen oxides (NOx), and carbon monoxide (CO) emissions are projected to exceed the SCAQMD recommended threshold of significance values and the impact is potentially significant. Because project occupancy is projected to create ROG, NOx, and CO emissions in excess of the SCAQMD suggested daily criteria, the Lead Agency has formulated a number of mitigation measures (Mitigation Measures 7-3 through 7-7) to reduce that impact to the extent as feasible.

(e) Implementation of those measures would not be expected to reduce ROG, NOx, and CO emission levels to a less-than-significant level. There are no reasonably available mitigation measures than can reduce projected operational ROG, NOx, and CO emissions to less-than-significant levels.

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

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

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

(a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated herein by reference.

(b) Since ROG emissions associated with the application of asphalt, paints, and coatings and ROG, NOx, and CO mobile source emissions are expected to remain significant, the project will add incrementally to the cumulative air quality impact produced by other related projects.

(c) ROG and NO_X are criteria pollutant precursors and go on to form secondary criteria pollutants through chemical and photochemical reaction in the atmosphere.

(d) The SCAB is classified by the State as "extreme non-attainment" for ozone. Ozone is one of a number of substances (photochemical oxidants) that are formed when ROCs and NOx react with sunlight.

(e) Mitigation for the cumulative impact is as specified for construction and operational impacts. However, even with the adoption of the recommended measures, air quality impacts will remain cumulatively significant. No mitigation measures, formulated specifically to address the project's potential incremental contribution to cumulative air quality impacts, are deemed to be reasonably feasible.

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

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

5.1 Land Use

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

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

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

(a) Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the FEIR and that analysis is incorporated by reference herein.

(b) Although no commercial site plan has been presented for the Lead Agency's consideration, once development plans are formulated, those plans are subject to the City's development review process and must conform to applicable property development and use standards.

(c) Chapter 22.48 (Development Review) in Title 22 (Development Code) of the Municipal Code establishes procedures for reviewing residential, commercial industrial, and institutional development to facilitate review in a timely and

efficient manner, and to ensure that development projects comply with all applicable design guidelines, standards, and minimize adverse effects on surrounding properties and the environment. Section 22.16.080 (Screening and Buffering) in Chapter 22.6 (General Property Development and Use Standards) therein presents the City's minimum standards for the screening and buffering of adjoining land uses, equipment and outdoor storage areas, and surface parking areas with respect to both multi-family and non-residential land uses.

(d) Single-family attached and/or multi-family residential development is proposed adjacent and in close proximity to existing single-family detached residential areas located to the north, south, and east of the project site. Although residential densities between the two housing product types may vary, both existing and proposed residential uses would be expected to possess similar operational characteristics and use expectations.

(e) The proposed residential, recreational, and open spaces uses are compatible with existing and proposed development within the general project area.

(f) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of standard conditions of approval (Conditions of Approval 1-1 and 1-2) designed to promote land-use consistency and compatibility.

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

5.1.2 Environmental Effect: The proposed mixed-use project, including the land uses, densities, and development standards now under consideration, could conflict with the adopted plans and policies of the City (Land Use Impact 1-2).

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

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

(a) Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the FEIR and that analysis is incorporated by reference herein.

(b) The proposed project is generally consistent with the policies of the "City of Diamond Bar Genera Plan" (General Plan).

(c) In addition to General Plan consistency, the project is subject to compliance with applicable provisions of the Municipal Code, including those contained in Chapter 22.22 (Hillside Management) of the Development Code. In accordance with the provisions of Section 22.22.040 (Density) in Title 22 (Development Code) of the Municipal Code, a total of 524 dwelling units could be developed on the site, which is substantially greater than the 202 dwelling units proposed.

(d) Although a General Plan amendment (GPA) and/or zone change (ZC) would be required to accommodate the proposed residential use, the proposed densities are allowable in the City. Subject to a GPA and/or ZC, the residential portion of the project would be deemed consistent with the "City of Diamond Bar General Plan" (General Plan).

(e) Based on existing zoning and assuming a lot-line adjustment to better equate the existing zoning with the site's development potential, as specified in Section 22.10.020 (Purpose of Commercial/Industrial Zoning Districts) in Chapter 22.10 (Commercial/Industrial Zoning Districts) in Title 22 (Development Code) of the Municipal Code, the allowable floor-area-ratio (FAR) for non-residential development in the "Neighborhood Commercial (C-1)" zoning district shall be

from 0.25 to 1.00. In accordance therewith, a range of between 109,880 and 439,520 square feet of commercial use could be developed on the project site. The 153,985 square feet of commercial use now being proposed falls near the lower end (0.35 FAR) of the allowable FAR range and would, therefore, be consistent with the City's land-use policies.

(f) The proposed project is generally consistent with the applicable core policies of the Southern California Association of Government's (SCAG) 2008 "Regional Comprehensive Plan – Helping Communities Achieve a Sustainable Future" (2008 RCP).

(g) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 1-3) designed to provide notification to SCAG of projected growth within the City, so as to allow SCAG to more effectively update regional plans.

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

5.1.3 Environmental Effect: Project implementation requires a General Plan amendment, adoption of a specific plan, zone change, subdivision of the project site, and other discretionary actions to accommodate the proposed land uses. Each of those actions is subject to specific findings by the City Council and/or by other responsible agencies (Land Use Impact 1-3).

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

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

(a) Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the FEIR and that analysis is incorporated by reference herein.

(b) A specific plan is a regulatory tool, authorized under the provisions of Sections 65450-65457 of the CGC, which is intended to guide the development of a localized area and serve as a tool for the systematic implementation of the general plan. A specific plan document establishes a link between the implementing policies contained in an agency's general plan and the individual development proposal in a defined area. No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the agency's general plan. No public works project, no tentative map, and no zoning ordinance may be approved, adopted, or amended within the area covered by a specific plan unless consistent with the adopted specific plan.

(c) As indicated in Section 66474, a legislative body of a city or county shall deny approval of a subdivision map if finds that: (a) the proposed map is not consistent with applicable general and specific plans; (b) the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans; (c) the site is not physically suitable for the type of development; (d) the site is not physically suitable for the proposed density of development; (e) the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; (f) the design of the subdivision or type of improvements is likely to cause serious public health problems; and/or (g) the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at

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

(d) Pursuant to the General Plan, it is the policy of the City to "[e]ncourage the innovative use of land resources and development of a variety of housing and other development types, provide a means to coordinate the public and private provisions of services and facilities, and address the unique needs of certain lands by recognizing Specific Plan (SP) overlay designations: (a) for large scale development areas in which residential, commercial, recreational, public facilities, and other land uses may be permitted; and (b) large acreage property(ies) in excess of ten acres that are proposed to be annexed into the City" (Strategy 1.1.9, Land Use Element).

(e) The information presented in the FEIR may be used, in whole or in part, by the City and by other responsible agencies to support specific findings as mandated by State law and by agency requirements and procedures, both as may be required under CEQA and as may be required in support of other actions that may be taken by the City and by other agencies with regards to the proposed project or any aspect thereof. In the event that the City and/or other responsible agencies are unable to make requisite findings, those discretionary approvals associated with those findings cannot be issued. In the absence of the issuance of requisite permits and approvals, no physical changes to the project site would be anticipated to occur and no environmental impacts would result therefrom.

(f) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 1-4) designed to ensure an appropriate nexus between the project's environmental review and any resulting land-use entitlements.

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

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

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

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

(a) Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the FEIR and that analysis is incorporated by reference herein.

(b) Implementation of the proposed project in combination with those other related projects will result in the further urbanization of the general project area, including the conversion of vacant or under-developed properties to higher-intensity uses.

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

(c) Anticipated residential development in the City exceeds the population growth estimates formulated by SCAG. SCAG's projections are used as the basis for establishing regional transportation plans. By under-estimating interim local demands, regional plans may not be as effective in responding to areawide interim transportation needs.

(d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 1-3) designed to apprise SCAG of projected growth within the City, so as to allow SCAG to more effectively update regional plans.

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

5.2 Population and Housing

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

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

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

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

(b) During construction, an estimated 73 workers would be associated with the project's 202 multi-family housing units and an additional estimated 49 workers would be associated with the project's 153,985 square feet of commercial use.

(c) The workforce required for the project's construction, operation, and maintenance can be reasonably drawn from the available regional labor pool.

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

5.2.2 Environmental Effect: Project implementation will result in the addition of up to 202 dwelling units to the City's existing housing stock and will increase the City's population by approximately 662 individuals, based on the California Department of Finance's existing (January 2008) Citywide vacancy rates and average household size (3.335 persons/unit) and vacancy rate (1.71 percent) (Population and Housing Impact 2-2).

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

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

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

(b) As indicated in California Department of Finance estimates, in January 2008, the City's population was estimated to be 60,360 individuals. The total number of dwelling units was estimated to be 18,380 units.

(c) Total number of dwelling units now proposed (202 units) is less than the adopted SCAG 2006-2014 RHNA for new construction for "above moderate" income households (440 units) and only slightly more than SCAG's identified new construction need for "moderate" income households (188 units). The project represents about 18.5 percent of the projected housing needs for the period 2006-2014. Since the projected increase appears generally consistent with regional projections, the project will further the attainment of SCAG's regional housing needs assessment.

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

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

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

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

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

(b) Based on the projected number of direct new jobs (462 jobs) and the number of housing units associated with the proposed project (202 dwelling units), the project's projected on-site jobs-to-housing ratio is about 2.3, indicating the project is "jobs rich." The relatively small number of jobs and housing units, however, is not significant in the broader regional context.

(c) The inclusion of both residential and commercial uses on the same site serve to further attainment of the primary intent of jobs-housing balance, namely the reduction of vehicle miles traveled (VMT) and the corresponding air quality benefits.

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

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

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

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

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

(b) Between 2010 and 2030, the jobs-housing ratio for the City will decrease from only 0.86 to 0.82. As a result, the City will remain "housing rich" and "jobs poor."

(c) Based on the projected number of direct new jobs attributable to the proposed project (462 jobs) and the number of housing units (202 units), the project's projected on-site jobs-to-housing ratio is about 2.3 and the proposed project would be categorized as being "jobs rich." As a result, the proposed project promotes the attainment of SCAG's jobs-housing policies and would not incrementally contribute to the existing imbalance.

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

5.3 Geotechnical Hazards

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

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

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

(a) Project-related and cumulative geotechnical hazards impacts are addressed in Section 4.3 (Geotechnical Hazards) in the FEIR and that analysis is incorporated by reference herein.

(b) Information and analysis concerning the existing geologic, geotechnical, seismic, and soils setting, including specific design and development recommendations formulated in response thereto, are presented in "Preliminary Geotechnical Engineering Report: Site D-Mass Grading, Walnut Valley Unified School District, Diamond Bar, California" (KFM GeoScience, January 15 2008).

(c) The proposed project is feasible from a geotechnical perspective, provided that the recommendations presented in the project's geotechnical investigations are incorporated into the project's design and construction. Since the Applicant has committed to the incorporation of those recommendations, they are part of the proposed project and the project's design, construction, and operation will occur in conformity and compliance therewith.

(d) Design and development activities will occur in conformance with applicable Uniform Building Code (UBC) and California Building Standards Code (CBSC) standards and requirements.

(e) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 3-1) to ensure that each of the recommendations presented in the geotechnical investigation are incorporated into the design, development, and operation of the proposed project.

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

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

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

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

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

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

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

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

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

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

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

5.4 Hydrology and Water Quality

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

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

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

(a) Project-related and cumulative hydrology and water quality impacts are addressed in Section 4.4 (Hydrology and Water Quality) in the FEIR and that analysis is incorporated by reference herein.

(b) Information and analysis concerning the existing hydrologic and water quality setting, including specific design and development recommendations formulated in response thereto, are presented in "Preliminary Drainage Report for Site 'D' Improvements at Intersection of Diamond Bar Boulevard and Brea Canyon Road, Diamond Bar, California" (PENCO Engineering, Inc., February 7, 2008, revised April 6, 2009).

(c) Water quality protection is ensured through preparation and implementation of the stormwater pollution prevention plan (SWPPP), as required under the State Water Resources Control Board's (SWRCB) National Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction Activity (Construction General Permit), through Best Management Practices (BMPs) designed to ensure that grading and construction operations involving the transport, storage, use, and disposal of a variety of construction materials complies with certain storage, handling, and transport requirements.

(c) Pursuant to the Regional Water Quality Control Board, Los Angeles Region's (LARWQCB) fourth-term General National Pollutant Discharge Elimination System (NPDES) permit (NPDES No. CAS004001) for discharges to the municipal separate storm sewer system (MS4) in County, a standard urban stormwater mitigation plan (SUSMP) shall be required, including appropriate BMPs and guidelines to reduce pollutants in storm water to the maximum extent possible (MEP).

(d) The Construction General Permit and compliance with SWPPP and MS4 permit requirements constitute mandatory project measures. Compliance ensures that project-induced water-borne erosion does not significantly impact downstream drainage systems.

(e) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 4-2) requiring the City Engineer's approval of a SUSMP conforming to the requirements of Section 8.12.1695 of the Municipal Code.

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

5.4.2 Environmental Effect: Project implementation will result in the introduction of impervious surfaces onto the project site and, as a result of the impedance of opportunities for absorption and infiltration of those waters, has the potential to increase the quantity, velocity, and duration of storm waters discharged from the tract map area (Hydrology and Water Quality Impact 4-2).

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

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

(a) Project-related and cumulative hydrology and water quality impacts are addressed in Section 4.4 (Hydrology and Water Quality) in the FEIR and that analysis is incorporated by reference herein.

(b) According to the recorded plans for the Brea Canyon Storm Drain Channel (Private Drain No. 395), a 25-year discharge of 2,285 cubic feet per second (cfs) is shown at the downstream side of the Diamond Bar Boulevard culvert. The Los Angeles County Department of Public Works (LACDPW) stipulated that the existing County-operated and maintained drainage system accommodate a 50-year storm event of 2,602 cfs.

(c) A 50-year storm creates approximately 68.38 cfs of runoff from the western portion of the project site and an existing 33-inch diameter reinforced concrete pipe located to the south of the project site currently carries off-site discharge of 83.94 cfs. When combined with existing off-site discharge, the 50-year storm runoff totals 174.80 cfs at the Brea Canyon Storm Drain Channel. The summation of 50-year flows (2,602 + 174.80 = 2,776.8) from the project site and from the channel total approximately 2,777 cfs at this reach.

(d) Drainage improvements are proposed to accommodate projected flows. As proposed, at this reach, the existing Brea Canyon Channel will be replaced with reinforced concrete box (RCB). An existing tributary open channel east of the project site will be replaced with RCB, as well as the proposed entrance to the site. To convey the 50-year discharge, the proposed channel section will be double cells 9-foot-wide by 8-foot-high RCB with an average 20 feet of cover. Approximately 50 feet of transition box will be constructed from the proposed RCB section to the existing culvert section under Diamond Bar Boulevard. A transition structure downstream of the proposed RCB will be construed to join the existing trapezoidal channel.

(e) The Lead Agency has identified a standard condition of approval (Condition of Approval 4-1) requiring receipt of all requisite permits and approvals from the LACDPW allowing for the overbuilding of the Brea Canyon Storm Drain Channel.

(f) To ensure that drainage improvements are consistent with applicable design and development standards and that post-project drainage flows do not result in any adverse public safety or other impacts, a mitigation measure (Condition of Approval 4-1) has been included in the FEIR and adopted or likely to be adopted in the MRMP specifying that all drainage facilities and improvements are subject to final design and engineering review and approval by the City Engineer and, for those storm drain facilities under County jurisdiction, by the LACDPW.

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

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

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

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

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

5.5 Biological Resources

5.5.1 Environmental Effect: Construction activities and fuel-modification requirements will result in direct impacts from vegetation removal of about 30.4 acres located within the tract map area. Fuel modification requirements imposed by the Los Angeles County Fire Department could directly impact additional vegetation (Biological Resources Impact 5-1).

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

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

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

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

(c) During grading operations, impacts will occur to approximately 20.4 acre of disturbed/ruderal, 3.6 acre of eucalyptus stand/disturbed, 2.8 acres of mule fat scrub, 2.1 acres of California walnut woodlands, 0.9 acre of ruderal/goldenbush scrub, and 0.3 acres of southern willow scrub. With the exception of southern willow scrub, none of these plant communities are considered rare or of high priority for inventory by the California Natural Diversity Database (CNDDB).

(d) Rare natural communities are those communities that are of highly limited distribution. The most current version of the California Department of Fish and Game's "The Vegetation Classification and Mapping Program – List of California Terrestrial Natural Communities Recognized by the California Natural Diversity Database" (CDFG, 2003) serves as a guide to each community's status.

(e) California walnut woodlands and southern willow scrub are considered high-priority for inventory under the CNDDB because they are experiencing decline throughout its range. These habitats are marginal in its value because they are fragmented (i.e., not contiguous with similar habitats) and not expected to support sensitive species. Focused sensitive plant surveys were negative and habitat assessments for sensitive wildlife species (e.g., the least Bell's vireo and southwestern willow flycatcher) determined that these habitats are not suitable to support these species.

(f) Although California walnut woodlands and southern willow scrub are associated with United States Army Corps of Engineers (ACOE), Regional Water Quality Control Board (RWQCB), the loss, removal, and destruction of these plant communities on the project site would neither eliminate nor substantially diminish the functions and values of the on-site drainages as a regional biological resource.

(g) The project would cause the direct mortality of some common wildlife species and the displacement of more mobile species to suitable habitat areas nearby. These impacts, by themselves, would not be expected to reduce general wildlife populations below self-sustaining levels within the region.

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

5.5.2 Environmental Effect: The project will permanently impact approximately 2,125 linear feet of streambed, including approximately 0.20 acres of United States Army Corps of Engineers (ACOE) and Regional Water Quality Control Board (RWQCB) jurisdictional waters and approximately 4.10 acres of California Department of Fish and Game (CDFG) jurisdictional streambed and associated riparian habitat (Biological Resources Impact 5-2).

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

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

(a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.

(b) Project implementation will result in direct impacts to approximately 2,125 linear feet of streambed. A total of approximately 0.20 acre of ACOE/RWQCB jurisdictional waters of the United States (WoUS) and approximately 4.10 acres of CDFG jurisdictional streambed and associated riparian habitat would be impacted by the proposed development. No direct impacts to jurisdictional waters are anticipated beyond the project boundaries.

(c) The project will require a nationwide Section 404 (CWA) permit from the ACOE, a Section 401 (CWA) water quality certification from the RWQCB, and a Section 1602 (CFGC) streambed alteration agreement from the CDFG. Impacts to jurisdictional features will be subject to the regulations set forth by the ACOE, RWQCB, and CDFG and will require mitigation or result in the imposition of other conditions for the identified impacts to jurisdictional waters.

(d) In recognition of the presence of jurisdictional waters, a mitigation measure (Mitigation Measure 5-1) has been included in the FEIR and adopted or likely to be adopted in the MRMP specifying that, unless a greater ratio is required by permitting agencies: (1) the on-site and/or off-site replacement of ACOE/RWQCB jurisdictional waters and wetlands occur at a 2:1 ratio; (2) the on-site and/or off-site replacement of CDFG jurisdictional streambed and associated riparian habitat occur at a 2:1 ratio; and (3) the incorporation of design features into the proposed project's design and development. Implementation of that measure will reduce identified impacts to below a level of significance.

5.5.3 Environmental Effect: Proposed grading and grubbing activities will result in the removal of 83 protected ordinance-size trees, including 75 California black walnut, six willow, and two coast live oak trees, which now exist on the project site (Biological Resources Impact 5-3).

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

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

(a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.

(b) A total of 75 California black walnut, six willow, and two coast live oak trees will be impacted by the proposed project. Each of these species is protected trees under Chapter 22.38 of the Municipal Code. The Oaks and Willows, however, do not meet the size criteria in the tree ordinance to be classified as protected trees. As required therein, the City may require a tree maintenance agreement prior to removal of any protected tree or commencement of construction activities that may adversely affect the health and survival of trees to be preserved.

(c) The project is subject to compliance with the provision of Chapter 22.38 (Tree Preservation and Protection) of the Municipal Code.

(d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of standard conditions of approval (Conditions of Approval 5-

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

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

5.5.4 Environmental Effect: Construction activities initiated during the nesting season, typically extending from February 15 to August 15 of each year, could impact nesting birds and raptors in violation of the federal Migratory Bird Treaty Act (Biological Resources Impact 5-4).

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

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

(a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.

(b) One sensitive bird species (Cooper's hawk) was observed within the project area and three additional species (white-tailed kite, sharp-shinned hawk, and loggerhead shrike) have the potential to occur within the study area due to the presence of suitable habitat. Since these species are not protected by federal or State listings as threatened or endangered and since the loss of individuals would not threaten the regional populations.

(c) Based on the presence of suitable vegetation, the removal of vegetation during the breeding season (typically extending between February 15 and August 15) could constitute a potentially significant impact.

(d) Disturbing or destroying active nests is a violation of the federal Migratory Bird Treaty Act and nests and eggs are protected under Section 3503 and 3513 of the California Fish and Game Code.

(e) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 5-4) promoting vegetation removal activities outside the nesting bird season.

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

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

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

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

(a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.

(b) The project site is located to the north of the area identified by the Conservation Biological Institute as part of the "Puente-Chino Hills wildlife corridor."

(c) Although wildlife movement corridors exist in the general project area, the project site does not serve any connectivity or linkage role with regards to regional wildlife movement.

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

5.5.6 Environmental Effect: If improperly designed and maintained, the proposed on-site flood control facilities and structural and treatment control Best Management Practices (BMPs) could potentially provide a habitat for the propagation of mosquitoes and other vectors (Biological Resources Impact 5-6).

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

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

(a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.

(b) Urban stormwater runoff regulations now mandate the construction and maintenance of structural BMPs for both volume reduction and pollution management. Those BMPs can create additional sources of standing water and sources for mosquito propagation.

(c) In the general project area, vector control is performed by the Greater Los Angeles County Vector Control District (GLACVCD), a County special district funded by ad valorum property and benefit assessment taxes.

(d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 5-5) requiring that BMP devices shall be designed in consultation with the Greater Los Angeles County Vector Control District and shall be of a type which minimizes the potential for vector (public nuisance) problems.

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

5.5.7 Environmental Effect: Implementation of the proposed project, in combination with other reasonably foreseeable future projects, will contribute incrementally to the continuing reduction in open space areas in the general project area and contribute to the general decline in species diversity throughout the region (Biological Resources Impact 5-7).

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

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

(a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.

(b) Implementation of the proposed project and other reasonably foreseeable future projects will contribute incrementally to the continuing urbanization of the region.

(c) The proposed project will impact approximately 2.1 acres of California walnut woodland and 0.3 acres of southern willow scrub habitat. As a result, the project

will add incrementally to the regional loss of plant communities considered high-priority for inventory under the CNDDB.

(d) Although California walnut woodlands and southern willow scrub are considered high-priority for inventory under the CNDDB, these on-site habitats are marginal in its value because they are fragmented and not expected to support sensitive species. As a result, the incremental reduction in these habitats would not be cumulatively significant.

(e) Under Section 22.38.030 of the Municipal Code, protected trees, including "native oak, walnut, sycamore and willow trees with a DBH [diameter at breast height] of eight inches or greater" shall be replaced at a minimum ratio of 3:1.

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

5.6 Traffic and Circulation

5.6.1 Environmental Effect: Construction vehicles will transport workers, construction equipment, building materials, and construction debris along local and collector streets and along arterial highways within and adjacent to established residential areas and other sensitive receptors (Traffic and Circulation Impact 6-1).

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

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

(a) Project-related and cumulative traffic and circulation impacts are addressed in Section 4.6 (Traffic and Circulation) in the FEIR and that analysis is incorporated by reference herein.

(b) Information and analysis concerning the existing traffic and circulation setting, including an assessment of project-related impacts, is presented in "Traffic Impact Analysis Report, WVUSD Site D Mixed-Use Development, Diamond Bar, California" (Linscott, Law & Greenspan Engineers, April 23, 2009).

(c) Construction traffic, including vehicles associated with the transport of heavy equipment and building materials to and from the project site and construction workers commuting to and from work, will increase traffic volumes along Diamond Bar Boulevard and Brea Canyon Road and, because site access can be obtained from Castle Rock Road and Pasado Drive, construction workers may elect to park along and construction vehicles could stage at those roadways.

(d) Existing (2007) daily traffic volumes along project area roadway segments include: (1) Brea Canyon Road (north of Diamond Bar Boulevard) – 4,896 average daily trips (ADT); (2) Brea Canyon Road (south of Diamond Bar Boulevard) – 12,696 ADT; (3) Diamond Bar Boulevard (north of Cherrydale Drive) – 20,512 ADT; and, (4) Brea Canyon Cutoff (west of Fallow Field-Diamond Canyon) – 11,003 ADT. Since the projected 854 construction trips would be substantially less than those existing capacity figures and would primarily occur during off-peak periods, construction-related traffic would not adversely affect the existing levels of service (LOS) along those roadways.

(e) Compliance with and enforcement of speed laws and other provisions of the California Vehicle Code (CVC) and the safe use and operation of vehicles by their drivers would be expected to keep public safety issues at a less-than-significant level.

(f) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of standard conditions of approval (Condition of Approvals 6-1 through 6-4) requiring the preparation of a construction workers' parking and equipment staging plan, construction traffic mitigation plan, and traffic control plan, and restricting construction-term access from and along Castle Rock Road and Pasado Drive.

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

5.6.2 Environmental Effect: The project is forecast to generate approximately 9,276 daily two-way vehicle trips, including 272 trips during the AM and 650 trips during the PM peak hours, and would increase traffic congestion on local and regional roadways (Traffic and Circulation Impact 6-2).

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

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

(a) Project-related and cumulative traffic and circulation impacts are addressed in Section 4.6 (Traffic and Circulation) in the FEIR and that analysis is incorporated by reference herein.

(b) The project's traffic impact analysis was conducted in accordance with the City's "Guidelines for the Preparation of Traffic Impact Analysis Report" and, for each of the 20 study area intersections, included an assessment of the following nine scenarios were examined: (1) 2007 existing traffic conditions; (2) 2007 existing-plus-project traffic conditions; (3) 2007 existing-plus-project traffic conditions, with Improvements; (4) 2010 cumulative-base conditions (existing, ambient growth, and related projects); (5) 2010 cumulative-base-plus project traffic conditions; (6) 2010 cumulative-base-plus project conditions, with Improvements; (7) 2030 cumulative-base conditions (existing, ambient growth, and related projects); (8) 2030 cumulative-base-plus-project traffic conditions; (9) 2030 cumulative-base-plus-project traffic conditions, with Improvements.

(c) In accordance with City traffic impact analysis (TIA) requirements, the project's construction of or payment of a "fair share" contribution toward the construction costs of identified areawide street improvements serves to fully and effectively reduce the project's traffic and circulation impacts to a less-than-significant level.

(c) Prior to implementation of any recommended traffic improvements, on a cumulative-plus-project bases, traffic associated with the proposed project will significantly impact nine intersections in the long-term (2030) and contribute to the adverse service levels at three additional intersections forecast to operate at an unsatisfactory LOS in 2030. Those locations projected to operate at an adverse service level in 2030 include: (1) Brea Canyon Road (W) at Pathfinder Road; (2) Diamond Bar Boulevard at Pathfinder Road; (3) Brea Canyon Road at Cold Springs Lane; (4) Cold Springs Lane at Diamond Bar Boulevard; (5) Pathfinder Road at Brea Canyon Cutoff; (6) SR-57 SB Ramps at Brea Canyon Cutoff; (7) SR-57 NB Ramps at Brea Canyon Cutoff; (8) Brea Canyon Road at Diamond Bar Boulevard; (9) Cherrydale Drive at Diamond Bar Boulevard; (10) Brea Canyon Road at Silver Bullet Drive; (11) Diamond Bar Boulevard at Grand Avenue; and (12) Colima Road at Brea Canyon Cutoff.

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

5.6.3 Environmental Effect: The implementation of the proposed project, in combination with other related projects, will collectively contribute to existing traffic congestion in the general project area and exacerbate the need for localized areawide traffic improvements (Traffic and Circulation Impact 6-3).

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

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

(a) Project-related and cumulative traffic and circulation impacts are addressed in Section 4.6 (Traffic and Circulation) in the FEIR and that analysis is incorporated by reference herein.

(b) Prior to implementation of any recommended traffic improvements, the following twelve intersections are projected to operate at an adverse LOS in 2030: (1) Brea Canyon Road (W) at Pathfinder Road; (2) Diamond Bar Boulevard at Pathfinder Road; (3) Brea Canyon Road at Cold Springs Lane; (4) Cold Springs Lane at Diamond Bar Boulevard; (5) Pathfinder Road at Brea Canyon Cutoff; (6) SR-57 SB Ramps at Brea Canyon Cutoff; (7) SR-57 NB Ramps at Brea Canyon Cutoff; (8) Brea Canyon Road at Diamond Bar Boulevard; (9) Cherrydale Drive at Diamond Bar Boulevard; (10) Brea Canyon Road at Silver Bullet Drive; (11) Diamond Bar Boulevard at Grand Avenue; (12) Colima Road at Brea Canyon Cutoff.

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

5.7 Air Quality

5.7.1 Environmental Effect: Because the project involves a General Plan amendment and zone change, it has the potential to be inconsistent with the applicable air quality management plan (Air Quality Impact 7-1).

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

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

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

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

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

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

(a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated by reference herein.
(b) All construction emissions concentrations for carbon monoxide (CO), nitrogen dioxide (NO_2), particulate matter less than 10 microns (PM_{10}), and particulate matter less than 2.5 microns ($PM_{2.5}$) are within their respective threshold values and are, therefore, less than significant.
(c) Based on a CO micro-scale hot-spot analysis, predicted CO values are below the State's 1-and 8-hour standards and any potential impact is less than significant.
(c) Mandatory adherence to the SCAQMD rules would ensure that any construction or operational impact from toxic air contaminants (TAC) associated with the operation of the project remains less than significant.
(d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 7-1) requiring

that future residential purchasers be notified of the presence or potential presence of proximal commercial uses on the subject property.

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

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

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

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

(a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated by reference herein.

(b) Project construction would involve the use of heavy equipment creating exhaust pollutants from on-site earth movement and from equipment transporting materials to and from the site. In addition, some odors would be produced from the application of asphalt, paints, and coatings. With regards to nuisance odors, any air quality impacts will be confined to the immediate vicinity of the odor source and would be of short-term duration. Such brief exposure to nuisance odors constitutes an adverse but less-than-significant air quality impact.

(c) Operational odors could be produced from on-site food preparation and from diesel-fueled vehicles operating on the project site. These odors are common in the environment and subject to compliance with SCAQMD Rule 402 (Nuisance).

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

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

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

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

(a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated by reference herein.

(b) At this time, greenhouse gases (primarily CO_2) are not regulated as a criteria pollutant and there are no significance criteria for these emissions. The current AQMP does not set CEQA targets that can be used to determine any potential threshold values.

(c) Carbon dioxide (CO_2) is the most common greenhouse gas. Construction activities would consume fuel and result in the generation of GHG emissions. Construction CO_2 emissions were projected using the URBEMIS2007 computer model. In accordance with the projected URBEMIS construction schedule, approximately 1,347,095.44 pounds (673.55 tons) of CO_2 would be produced over the approximate 299 days of active construction.

(d) In the case of site operations, the majority of GHG emissions, and specifically CO_2, are due to vehicle travel and energy consumption. Results of the

URBEMIS2007 model indicate that, on average, 87,066.64 pounds (43.53 tons) of CO_2 would be produced daily or about 31,779,323.60 pounds (15,889.66 tons) per year.

(e) In accordance with the current AQMP, the emission levels in California are estimated to be 473 million metric tons (521.4 million short tons) CO_2 equivalent for 2000 and 532 million metric tons (568.4 short tons) CO_2 equivalent for 2010. Year 2009 (the worst-case scenario year that the emissions are based on) is then extrapolated to 526.1 million metric tons (579.9 short tons). At approximately 15,889.66 tons per year, the proposed project's operations represent less than 0.003 percent of this State's annual CO_2 emissions' budget.

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

5.8 Noise

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

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

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

(a) Project-related and cumulative noise impacts are addressed in Section 4.8 (Noise) in the FEIR and that analysis is incorporated by reference herein.

(b) Noise levels associated with construction activities would be higher than the existing ambient noise levels in the project area but would subside once construction of the project is completed.

(c) The most proximate residential structures include the existing single-family homes located to the immediate south and east of the project site. The nearest of these homes could be on the order of 50 feet from on-site construction activities. At that distance, the equivalent noise level (Leq) noise levels would be projected to be as high as 89 A-weighted decibel scale (dBA).

(d) Construction noise is regulated in the City under the provisions of the Municipal Code. The Municipal Code limits the hours of heavy equipment operations. Notwithstanding those provisions, construction noise may continue to be a short-term nuisance to proximal noise-sensitive receptors.

(e) In recognition of the presence of construction noise and the proximity of existing residential receptors, a number of mitigation measures (Mitigation Measures 8-1 through 8-6) have been included in the FEIR and adopted or likely to be adopted in the MRMP which are designed to reduce short-term noise impacts to the maximum extend feasible. Implementation of the recommended mitigation measures would reduce construction noise impacts to a less-than-significant level.

5.8.2 Environmental Effect: Project implementation may result in an exceedance of noise standards established in the General Plan and/or Municipal Code or applicable standards formulated by other agencies (Noise Impact 8-2).

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

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

(a) Project-related and cumulative noise impacts are addressed in Section 4.8 (Noise) in the FEIR and that analysis is incorporated by reference herein.

(b) The Municipal Code sets a goal level of 55 dBA for mobile-source noise intrusion on sensitive, multi-family land uses. The General Plan (Noise Element) allows for a conditionally acceptable exterior noise level of up to 65 dBA community noise equivalent level (CNEL) for residential uses as long as the dwelling units are fitted with forced air ventilation or air conditioning. Assuming the inclusion of forced air ventilation, commercial uses have an exterior goal of 65 dBA CNEL and a conditionally acceptable level of 70 dBA CNEL.

(c) Based on projected traffic volumes, the 65 dBA CNEL along Diamond Bar Boulevard would fall at a distance of about 130 feet from the centerline of the road. The placement of any residential units within this distance could then expose future residents to excessive noise levels and result in a potentially significant impact. Since any commercial structures that would lie between the residential units and Diamond Bar Boulevard could serve as an effective sound wall if they were to shield the residents from a view of the road traffic, the 130-foot distance is considered as conservative.

(d) The 65 dBA CNEL deemed suitable for residential development, equipped with forced air ventilation, would fall at a distance of about 830 feet from the freeway.

(e) The 70 dBA CNEL would fall at distances of about 60 feet from the centerline of Diamond Bar Boulevard.

(f) The Lead Agency has identified a standard condition of approval (Condition of Approval 8-1), as required under Title 24 standards, requiring forced air ventilation in the proposed residential development, thus allowing site occupants to leave windows closed and reducing interior levels by in excess of 20 dBA.

(e) Based on the potential presence of significant noise impacts, a number of mitigation measures (Mitigation Measures 8-7 and 8-8) have been included in the FEIR and adopted or likely to be adopted in the MRMP specifying that no residential units shall be located within 830 feet of the SR-57 Freeway's nearest travel lane unless additional sound attention is provided and no commercial units shall be located within 60 feet of the centerline of Diamond Bar Boulevard. Implementation of the recommended mitigation measures would reduce construction noise impacts to a less-than-significant level.

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

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

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

(a) Project-related and cumulative noise impacts are addressed in Section 4.8 (Noise) in the FEIR and that analysis is incorporated by reference herein.

(b) As traffic volumes in the general project area increase, those areas located in proximity to the area's arterial highway system will experience increased traffic noise.

(c) The TIA indicates that the project would add 9,276 ADT to the roadway network. Modeling indicates that the noise increase along all access roads would not exceed 0.7 dBA CNEL. The project's contribution to ambient noise levels would, therefore, be less than significant.

(d) The dominant sources of noise through the project area are from freeway traffic and traffic along Diamond Bar Boulevard. Noise attenuates with distance and intervening objects and obstacles serve to further impede the transmittal of sound energy. The structures associated with the proposed development would serve as a partial sound wall reducing this noise at the existing residential location. The introduction of intervening structures could benefit adjacent residents by further reducing line-of-sight propagation of mobile source noise along adjoining roadways.

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

5.8.4 Environmental Effect: Short-term construction and long-term operational noise associated with the proposed project, in combination with other related projects, will contribute to both a localized and an areawide increase in ambient noise levels in proximity to those projects and along those roadways utilized by project-related traffic (Noise Impact 8-4).

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

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

(a) Project-related and cumulative noise impacts are addressed in Section 4.8 (Noise) in the FEIR and that analysis is incorporated by reference herein.

(b) Construction noise impacts are generally localized and limited to each related project site and those areas proximal to those construction operations. Cumulative construction noise impacts will be generally localized to each such project and the roadway network along which construction traffic travels.

(c) As traffic volumes in the general project area increase over time, those areas located in proximity to the area's arterial highway system will experience increased traffic noise. Existing roadway volumes would, however, need to double in order to produce a perceptible noise increase.

(d) Large-scale projects that contribute substantially to traffic volumes along the area's arterial highway system are subject to CEQA compliance. Similarly, the noise element of each agency's general plan specifies those roadways that are subject to excessive noise levels. As deemed appropriate, beyond those requirements already imposed by each agency's noise ordinance, land-use entities have the ability to impose additional mitigation measures and/or conditions of approval on each project in order to reduce potential short-term and long-term traffic noise impacts.

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

5.9 Public Services and Facilities

5.9.1 Environmental Effect: During construction, heavy equipment, materials, and other items of value will be brought to the project site. As buildings are erected, prior to site occupancy, structures may remain unsecured and susceptible to unauthorized entry. The presence of an unsecured site and items of value could result in theft and vandalism that could increase demands upon law enforcement agencies (Public Services Impact 9-1).

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

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

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

5.9.2 Environmental Effect: Project implementation will result in the introduction of equipment, materials, and manpower into a County-designated fire hazard area prior to the provision of water system improvements designated to respond to on-site and near-site fire hazards (Public Services Impact 9-2).

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

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

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

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

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

5.9.3 Environmental Effect: The public school located closest to the project site is Castle Rock Elementary School (2975 Castle Rock Road). Construction activities could constitute an attractive nuisance to children located near or passing by the project site and construction traffic could impose a safety hazard to children and/or become disruptive to school activities and operations (Public Services Impact 9-3).

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

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

(a) Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Facilities) in the FEIR and that analysis is incorporated by reference herein.

(b) Since no substantial increase in the number of new households within the general project area would be anticipated in order to accommodate the project's construction, no direct construction-related impacts on WVUSD facilities have been identified.

(d) Construction traffic accessing the site from Cold Springs Road will cross Castle Rock Road in the vicinity of Castle Rock Elementary School. Construction vehicles will transport equipment, building materials, and could discharge construction debris along streets adjacent to established residential areas, including the school, where children would be present.

(e) Construction activities may present an attractive nuisance, defined as any condition which is unsafe or unprotected and, thereby, dangerous to children and which may reasonably be expected to attract children to the property and risk injury by playing with, in, or on it.

(f) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of standard conditions of approval (Conditions of Approval 6-2, 6-3, 6-4, and 9-6) restricting construction traffic along Castle Rock Road and Pasado Drive, requiring the preparation of a construction traffic safety plan and a traffic control plan, and requiring the fencing and signage of the construction site.

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

5.9.4 Environmental Effect: With a resident population of approximately 662 persons and an existing LACSD staffing ratio of one sworn officer for each 1,082 residents, in order to maintain existing staffing levels, the LACSD would need an additional 0.61 sworn deputies (Public Services Impact 9-4).

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

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

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

5.9.5 Environmental Effect: The introduction of 202 new residential dwellings and 153,985 square feet of new commercial use will increase existing demands on LACFD facilities, equipment, and personnel, predicating an incremental need for facility expansion, the purchase of new and/or replacement equipment, and contributing to the need for addition LACFD personnel (Public Services Impact 9-5).

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

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

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

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

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

5.9.6 Environmental Effect: Project implementation will increase enrollment within the Walnut Valley Unified School District by an estimated 31 new students, including approximately 11 new elementary school students (Grades K-6), 8 new junior high school students (Grades 7-9), and 12 new high school students (Grades 9-12) (Public Services Impact 9-6).

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

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

(a) Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Facilities) in the FEIR and that analysis is incorporated by reference herein.

(b) For the 2009-2010 school year, Castle Rock Elementary, Evergreen Elementary Schools, and South Pointe Middle School have the available capacity to accommodate 103, 117, and 62 additional students, respectively. Although no available capacity has been identified at Diamond Bar High School (a shortfall of 80 students is projected), any excess pupil enrollment at that facility will be temporarily housed in leased portable classrooms (in space made available by reducing existing programs and in space reconstructed on existing sites) until more permanent measures can be taken.

(c) As indicated in the WVUSD's current fee justification study, based on the application of the State-approved cohort survival method, it is estimated that student enrollment within the WVUSD will decrease from 15,485 Grade K-12 students in the fall of the 2008 school year to 15,414 students in the 2011 school year, representing an increase of 75 Grade K-6 students and a decrease of 79 Grade 7-12 students. Alternatively, based on the application of the pupil per dwelling unit multiplier method, it is estimated that student enrollment will increase from 15,485 Grade K-12 students in the fall of the 2008 school year to 15,599 students in the 2016 school year, representing an increase of 49 Grade K-6 students and an increase of 50 Grade 7-12 students.

(d) The WVUSD's current fee justification study concluded that no new school sites would need to be acquired and no new school facilities would need to be constructed to accommodate projected student population projections through at least 2023.

(e) Payment of applicable fees to the WVUSD or, alternatively, execution of an Assembly Bill (AB) 2926 mitigation agreement acceptable to the WVUSD constitutes full and complete mitigation of project-related impacts on the provision of school facilities from the proposed residential development.

(f) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 9-7) specifying that, prior to the issuance of building permits, the City be provided with a certificate of compliance or other documentation demonstrating complied with the District's School Board resolutions governing the payment of school impact fees

or has entered into an AB 2926 authorized school fee mitigation agreement or is not subject to the school impact fee exaction.

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

5.9.7 Environmental Effect: Project implementation will increase the resident population of the City, including the number of school-age children, incremental increasing existing spatial and resource demands placed on the Diamond Bar Public Library (Public Services Impact 9-7).

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

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

(a) Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Facilities) in the FEIR and that analysis is incorporated by reference herein.

(b) The Diamond Bar Library is 9,935 gross square feet in size and houses a collection consisting of 89,446 books and other library materials.

(c) The County Library's current service level guidelines for planning purposes are a minimum of 0.50 gross square foot of library facility space per capita and 2.75 items (books and other library materials) per capita. Based on an estimated service area population of 56,233 persons, as derived from United States Census data, the Diamond Bar Library would need a 28,115 square foot facility and 154,640 items in order to meet that standard.

(d) The proposed project is projected to add about 662 new residents to the City. That population increase would create additional demand for library service and would further affect the County Library's ability to adequately serve the existing and future residents of the Diamond Bar Library's service area. Based on the County Library's service level guidelines, based on project-related demand, the Diamond Bar Library would require an additional 331 gross square feet of facility space and an additional 1,820 new items (books and other library materials).

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

5.9.8 Environmental Effect: Project implementation will increase the resident population of the City of Diamond Bar and generate a projected need for 2.12 acres (approximately 92,390 square feet) of additional parkland within the City (Public Services Impact 9-8).

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

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

(a) Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Facilities) in the FEIR and that analysis is incorporated by reference herein.

(b) Section 21.32.040 (Park Land Dedications and Fees) in Chapter 21.32 (Subdivisions) of the Municipal Code provides for the dedication of real property and/or the payment of in-lieu fees to the City for park and recreational purposes.

In accordance therewith, the proposed 202 dwelling units (assuming the classification of those units as multi-family dwellings) would generate a need for 2.12 acres (approximately 92,390 square feet) of additional parkland within the City.

(c) As specified in Section 21.32.040(e)(2), only the payment of fees shall be required in subdivisions of 50 parcels or less, except that when a condominium project, stock cooperative, or community apartment project exceeds 50 dwelling units, dedication of land may be required even though the number of actual parcels may be less than 50. Although the proposed development plan does not include a public recreational component, the City is authorized to require real property dedication rather or in addition to the payment of park fees.

(d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 9-8) specifying that, prior to the approval of the final subdivision map, pursuant to Section 21.32.040 (Park Land Dedications and Fees) in Chapter 21.32 (Subdivisions) of the Municipal Code, in-lieu park fees shall be paid to the City in the manner and in the amount authorized thereunder.

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

5.9.9 Environmental Effect: The approval of other reasonably foreseeable future development projects within the general project area will increase existing demands on the Los Angeles County Sheriff's Department and on the Los Angeles County Fire Department, increase the number of school-aged children served by the Walnut Valley Unified School District, and increase the demand for park and recreational facilities within the City (Public Services Impact 9-9).

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

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

(a) Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Facilities) in the FEIR and that analysis is incorporated by reference herein.

(b) Based on a Statewide, regional, areawide, or local assessment of need, public agencies have the ability to construct new facilities, purchase new equipment, and add personnel in response to identified demand. Local agencies have the ability to deny or condition individual development applications based on their assessment of potential project-related impacts upon law enforcement and fire protection agencies, facilities, and personnel. Public agencies have the ability to respond to those changes through increases or decreases in annual budgetary allocations provided to police and fire protection agencies, including the LACSD and LACFD.

(c) As indicated in the WVUSD's current fee justification study, based on the application of the State-approved cohort survival method, it is estimated that student enrollment within the WVUSD will decrease from 15,485 Grade K-12 students in the fall of the 2008 school year to 15,414 students in the 2011 school year, representing an increase of 75 Grade K-6 students and a decrease of 79 Grade 7-12 students. Alternatively, based on the application of the pupil per dwelling unit multiplier method, it is estimated that student enrollment will

increase from 15,485 Grade K-12 students in the fall of the 2008 school year to 15,599 students in the 2016 school year, representing an increase of 49 Grade K-6 students and an increase of 50 Grade 7-12 students.

(d) The WVUSD's current fee justification study concluded that no new school sites would need to be acquired and no new school facilities would need to be constructed to accommodate projected student population projections through at least 2023.

(e) All qualifying residential and non-residential development projects located within the WVUSD's district boundaries are required to pay school impact fees. Notwithstanding the findings of the WVUSD's fee justification analysis, the payment of applicable school impact fees or the execution of an AB 2926 mitigation agreement constitutes full and complete mitigation for project-related impacts on WVUSD facilities.

(f) In November 2007, the area's voters approved General Obligation Bond Measure S ($64.6 million Academic Facilities Measure) and Measure Y ($15.2 million Physical Education Facilities Measure). As a result of those ballot measures, WVUSD schools will receive needed repairs and upgrades.

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

5.10 Utilities and Service Systems

5.10.1 Environmental Effect: Wastewater collection facilities do not presently exist on the project site and will not be available until the infrastructure improvements required to accommodate the proposed land uses are constructed (Utilities and Service Systems Impact 10-1).

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

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

(a) Project-related and cumulative utilities and service systems impacts are addressed in Section 4.10 (Utilities and Service Systems) in the FEIR and that analysis is incorporated by reference herein.

(b) The provision of potable water and toilet facilities is required under United States Department of Labor Occupational Safety and Health Administration (OSHA) (29 CFR 1926.51) and California Department of Industrial Relations, Division of Industrial Safety (Cal/OSHA) (Section 1524-1526, CCR) standards.

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

5.10.2 Environmental Effect: The project's residential and commercial components are projected to generate approximately 89,435 gallons of wastewater per day (0.09 mgd). Applying a peaking factor of 2.7, the peaked flow rate would be about 241,475 gallons of wastewater per day (0.25 mgd) (Utilities and Service Systems Impact 10-2).

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

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

(a) Project-related and cumulative utilities and service systems impacts are addressed in Section 4.10 (Utilities and Service Systems) in the FEIR and that analysis is incorporated by reference herein.

(b) The County Sanitation Districts of Los Angeles County (CSDLAC or Districts) has formulated average wastewater generation rates for a variety of land uses. The CSDLAC projects that for "condominium" units, each unit will generate approximately 195 gallons of wastewater per day (gpd). Based on that generation rate, the project's 202 dwelling units are projected to generate approximately 39,390 gpd of wastewater or 0.04 million gallons per day (mgd).

(c) For the purpose of this analysis, a "shopping center" has been assumed. The CSDLAC's sewage generation rate for a "shopping center" is estimated to be 325 gallons/day/1,000 square feet (ft^2). Based on shopping center containing 153,985 gross leasable square feet, an estimated 50,045 gpd (0.05 mgd) of wastewater would be generated daily. When projected residential and commercial wastewater estimates are combined, approximately 89,435 gpd (0.09 mgd) of wastewater would be generated daily.

(d) Peak daily flow rates are higher than daily rates and serve as the basis for facility planning. Applying a peaking factor of 2.7, the peak flow rate would be about 241,475 gpd (0.25 mgd).

(e) The project generally gravity flows sewage toward the west portion of the property. The wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by the CSDLAC, for conveyance to the Districts No. 21 Outfall Trunk Sewer, located in Brea Canyon Road at Via Sorella. This 18-inch diameter trunk sewer has a design capacity of 12.3 mgd and conveyed a peak flow of 4.9 mgd when last measured in 2005. Assuming that peak flow rates have not changed substantially since 2005, even with the proposed project's projected contribution (0.25 mgd), sufficient capacity exists in the Districts No. 21 Outfall Truck Sewer to readily accommodate the proposed development.

(f) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 10-1) specifying that, prior to the issuance of any grading permits, a sewer area study, prepared by a licensed civil engineer registered in the State of California, be submitted to and approved by the City Engineer and the County.

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

5.10.3 Environmental Effect: Implementation of the proposed project and other related projects would impose cumulative impacts on those sewage collection and disposal facilities located in the general project area (Utility and Service Systems Impact 10-3).

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

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

(a) Project-related and cumulative utilities and service systems impacts are addressed in Section 4.10 (Utilities and Service Systems) in the FEIR and that analysis is incorporated by reference herein.

(b) At the project-specific level, local agencies require project proponents to assess

the impacts of proposed projects on existing sewer facilities, on an as-needed basis. Those analyses are conducted to identify any site-specific or project-specific improvements that may be required to the local and/or CSDLAC's sewer systems that may be needed to handle increased sewage flows attributable to each project. As required, all related projects must construct any requisite local wastewater improvements needed to handle their respective flows.

(c) CSDLAC facilities are sized and improvements phased to serve population and economic development in accordance with forecasts adopted by SCAG. Projects that are consistent with SCAG growth forecasts can be adequately served by existing and planned CSDLAC facilities.

(d) In order to fund planned improvements, each new project within the County is required to pay connection fees to the CSDLAC. These fees are used to finance future expansions and upgrades to the regional trunk sewer system and wastewater treatment facilities.

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

5.11 Cultural Resources

5.11.1 Environmental Effect: Construction activities can result in the irretrievable loss or damage to any prehistoric, historic, or paleontological resources that may exist within the area of proposed disturbance (Cultural Resources Impact 11-1).

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

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

(a) Project-related and cumulative cultural resources impacts are addressed in Section 4.11 (Cultural Resources) in the FEIR and that analysis is incorporated by reference herein.

(b) Information and analysis concerning the existing cultural resources setting, including an assessment of project-related impacts, is presented in "Phase I Cultural and Paleontological Resource Assessment of the Proposed Site D Development, Los Angeles County, California" (PCR Services Corporation, January 24, 2008).

(c) No prehistoric archaeological resources have been previously recorded within one mile of the project site and no prehistoric resources were identified on the subject property during the pedestrian survey.

(d) Results of the historic aerial photograph and topographic map review revealed that a structure (HS-1) was once located within the boundaries of the project site that was associated with the historic Diamond Bar Ranch Headquarters Compound. The Compound included the residence of Frederick E. Lewis, who owned and operated the Diamond Bar Ranch. There is a moderate potential for the site to retain buried domestic or ranch maintenance components such as trash pits, privy holes, and similar features.

(e) Results of the pedestrian survey revealed the identification of a historical archaeological site, consisting of more than 15 non-native eucalyptus trees and concrete debris concentration likely associated with the former location of HS-1. The significance of that site with respect to CEQA is considered to be undetermined.

(f) Based on the potential presence of significant cultural resources impacts, a number of mitigation measures (Mitigation Measures 11-1 through 11-3) have been included in the FEIR and adopted or likely to be adopted in the MRMP requiring that, prior to the issuance of a grading permit, a qualified archaeologist be retained to monitor all vegetation removal and ground disturbance to a depth of three feet within specified areas. If cultural resources are identified during monitoring of the ground disturbing activities, the archaeologist shall temporarily divert or redirect grading or excavation activities in the vicinity of those resources in order to make an evaluation of the find and determine appropriate treatment. If human remains are encountered unexpectedly during construction excavation and grading activities, Section 7050.5 of the Health and Safety Code (HSC) requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Section 5097.98 of the PRC. Implementation of those measures will reduce identified impacts to below a level of significance.

5.11.2 Environmental Effect: Ground disturbance activities could result in impacts to on-site paleontological resources, including fossil remains, from the Puente Formation (Cultural Resources Impact 11-2).

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

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

(a) Project-related and cumulative cultural resources impacts are addressed in Section 4.11 (Cultural Resources) in the FEIR and that analysis is incorporated by reference herein.

(b) Results of the paleontological resources records search revealed that the study area is underlain by the Puente Formation (also known as the Monterey Formation in the region), which is a formation known to contain diverse and well-preserved marine vertebrate fossils. The results of the pedestrian survey confirmed the exposure of the Puente Formation on the project site identified four fossil localities in backdirt piles from geotechnical core sampling. The project site is considered to be highly sensitive for paleontological resources.

(c) Based on the potential presence of significant cultural resources impacts, a number of mitigation measures (Mitigation Measures 11-4 through 11-8) have been included in the FEIR and adopted or likely to be adopted in the MRMP requiring that, prior to the issuance of a grading permit, a qualified paleontologist meeting the qualifications established by the Society of Vertebrate Paleontologists be retained to develop and implement a paleontological monitoring plan. A paleontological monitor, supervised by the paleontologist, shall monitor all excavations in the Puente Formation or excavations anticipated to extend into the Puente Formation. The paleontologist shall prepare a final report on the monitoring. If fossils were identified, the report shall contain an appropriate description of the fossils, treatment, and curation. A copy of the report shall be filed with the City and the Natural History Museum of Los Angeles County and shall accompany any curated fossils. Implementation of those measures will reduce identified impacts to below a level of significance.

5.11.3 Environmental Effect: Grading activities conducted on other sites located within the general project area could result in impacts to any historic or prehistoric resources that

may be located thereupon. In addition, earth-moving activities conducted on other undisturbed sites containing the Puente Formation could result in the loss of recoverable paleontological resources (Cultural Resources Impact 11-3).

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

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

(a) Project-related and cumulative cultural resources impacts are addressed in Section 4.11 (Cultural Resources) in the FEIR and that analysis is incorporated by reference herein.
(b) All cumulative project activities remain subject to site-specific environmental review and must fully conform to and comply with all applicable local, State, and federal requirements. Compliance with those requirements will ensure that all related project-specific and cumulative impacts upon prehistoric, historic, and paleontological resources are mitigated to a less-than-significance level.
(c) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no standard conditions or mitigation measures are recommended or required.

5.12 Aesthetics

5.12.1 Environmental Effect: Excluding those areas that will be retained as open space, the project site will take on a distinctively urban physiographic character as existing vegetation is removed, construction equipment introduced onto the site, hillside areas recontoured, new uses are introduced, and other physical modifications occur (Aesthetic Impact 12-1).

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

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

(a) Project-related and cumulative aesthetics impacts are addressed in Section 4.12 (Aesthetics) in the FEIR and that analysis is incorporated by reference herein.
(b) The proposed development will consist of three mass-graded "super pads," including one proposed commercial pad (with an area of about 10.09 acres) and two proposed residential pads (ranging in area from about 4.02 to 6.05 acres). The pads will be developed by balanced cut and fill grading. Cuts will range from less than five feet to about 40 feet high. Fill slopes will range in height from a few feet to approximately 60 feet down-slope from the upper residential pad to Diamond Bar Boulevard.
(c) City policies encourage the use of contour grading and landform grading techniques in order to create more naturalized engineered slope areas. Proposed grading activities seek to apply these contour grading principals to the proposed engineered slope areas, creating, where practical, curvilinear features that produce a visual transition between engineered and natural open space areas.
(d) Although construction is short-term in duration, it serves as precursors to the long-term visual changes that will occur as a result of those activities. During development, construction activities may appear disharmonious with the current perception of the existing property as an open-space area. At the end of the

construction term, the site will take on a distinctively urban character and shall generally be perceived as an urban use.

(e) Based on the City's interpretation and general application of the visual resource assessment methodology outlined in the Bureau of Land Management's (BLM) "Visual Resource Management Program" (BLM, 1986), construction-induced changes would be considered adverse but less than significant.

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

5.12.2 Environmental Effect: The project's implementation will alter the site's existing topography and necessitate the construction of numerous retaining walls (Aesthetic Impact 12-2).

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

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

(a) Project-related and cumulative aesthetics impacts are addressed in Section 4.12 (Aesthetics) in the FEIR and that analysis is incorporated by reference herein.

(b) Variable height Loffel (Loffelstein) retaining walls, ranging from several feet to about 23 feet high, are proposed near the mid-slope of the 2:1 fill slopes between each of the super pads. Although the proposed retaining walls exceeds the height limitations specified in Sections 22.20.040, 22.22.080(b)-(c), and 22.52.020 of the Municipal Code, the proposed walls would be authorized under the provisions of the proposed specific plan.

(c) Large retaining walls, absent integrated landscaping and irrigation, can become dominant visual elements that produce a sharp contrast between retained natural features and introduced cultural modifications. All walls over eight feet in height are cribwalls designed to incorporate landscaping as an integral design element.

(d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 12-1) specifying that the specific plan include design details, acceptable to both the City Engineer and to the Community Development Director, for all proposed retaining walls. Retaining wall plans shall include landscape and irrigation details sufficient to ensure that each of those elements are, as appropriate, integrated into wall design and that the interrelationship between those elements are considered from structural integrity and aesthetic viewpoints.

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

5.12.3 Environmental Effect: The introduction of new residential and commercial uses will add new sources of artificial lighting to the project site and could result in light trespass extending beyond the project boundaries (Aesthetic Impact 12-3).

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

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

(a) Project-related and cumulative aesthetics impacts are addressed in Section 4.12 (Aesthetics) in the FEIR and that analysis is incorporated by reference herein.

(b) The Illuminating Engineering Society of North America (IESNA) has established recommended outdoor lighting illumination levels. Lighting that conform to those standards would be assumed to produce a less-than-significant impact.

(c) As defined by the IESNA and the International Darksky Association (IDA), a widely used light trespass standard specifies that an appropriate standard is to limit the exterior lighting originating on a property to a maximum of 0.5 horizontal foot candles (HFC) at a distance of 25 feet beyond the property lines.

(d) Based on the potential presence of significant aesthetic impacts, a mitigation measure (Mitigation Measure 12-1) have been included in the FEIR and adopted or likely to be adopted in the MRMP requiring that pole-mounted or wall-mounted luminaires installed for the purpose of illuminating commercial areas, parking lots, roadways, and driveways, conform to appropriate lighting standards and demonstrate that light trespass not exceed 0.5 HFC, as measured at the project boundaries abutting any existing residential use. Implementation of that measure will reduce identified impacts to below a level of significance.

5.12.4 Environmental Effect: Much of the San Gabriel Valley is already highly urbanized and the area's remaining open-space areas take on greater visual significance as a respite to the dominance of urban development (Aesthetic Impact 12-4).

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

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

(a) Project-related and cumulative aesthetics impacts are addressed in Section 4.12 (Aesthetics) in the FEIR and that analysis is incorporated by reference herein.

(b) The City and other municipalities located within the County formulate long-range planning documents with the intent of directing development and redevelopment activities to those areas most conducive to growth, based on a variety of planning considerations. Separate formal planning and environmental review processes exist when a development proposal seeks to modify those adopted long-range plans.

(c) No development is authorized to occur in the absence of compliance with adopted agency plans and policies and in the absence of appropriate environmental review. Compliance with and conformity to adopted plans and policies helps to mitigate the potential cumulative impacts produced by the visual changes to existing landscapes associated with future development and redevelopment activities. While the further intensification of the region may constitute an adverse impact, the incremental and inevitable changes resulting from those activities would not be deemed a significant cumulative impact on the region's existing visual resources.

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

5.13 Growth Inducement

5.13.1 Environmental Effect: Because the project includes both an amendment to the "City of Diamond Bar General Plan" and the adoption of a specific plan, the project may result in

on-site development activities that exceed current development assumptions and necessitate the provision of unplanned services and facilities beyond the project boundaries (Growth Inducement Impact 13-1).

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

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

(a) Project-related and cumulative growth-inducing impacts are addressed in Section 4.13 (Growth Inducement) in the FEIR and that analysis is incorporated by reference herein.
(b) California State law requires that every city and county prepare and adopt a long-term, comprehensive general plan for its future development. The general plan serves as a "constitution for development" and the foundation upon which all land-use decisions in a city or county are to be based.
(c) Implementation of the proposed project will change existing land-use policies with regards to the allowable use of the project site, resulting in an intensification of uses within the City beyond that now envisioned in the City General Plan. Since planning for public services is, in whole or in part, based on existing and projected demands for those services, changes in public land-use policies have the potential to impose additional unplanned demands upon those services and facilities.
(d) Although the site is designated for public facilities, the public facility provider which owns the majority of the project site has declared the property to be surplus and not required for public facility use. As such, although project implementation will result in a modification to existing land-use policies, the resulting use is not anticipated to necessitate the provision of unplanned services and facilities beyond the project boundaries.
(e) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

5.13.2 Environmental Effect: (Growth Inducement Impact 13-2).

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

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

(a) Project-related and cumulative growth-inducing impacts are addressed in Section 4.13 (Growth Inducement) in the FEIR and that analysis is incorporated by reference herein.
(b) The construction of 202 dwelling units and the introduction of 153,985 square feet of commercial use will increase the City's population by an estimated 662 individuals and directly create an estimated 462 new permanent jobs.
(c) The size and duration of the proposed project is not sufficient to predicate any substantial in-migration of new workers into the general project area. The project's incremental contribution to localized, regional, and national employment opportunities would not create substantial significant secondary impacts.

(d) Project implementation will, therefore, not result in the removal of economic, physical, and/or political constraints affecting either the project site or other near-site properties.

(e) With the exception of off-site traffic improvements, the project does not include the expansion of any infrastructure systems that would accommodate additional off-site development. The traffic improvements identified as mitigation measures herein serve to accommodate the proposed project, ambient growth, and other related projects.

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

6.0 FINDINGS REGARDING MITIGATION REPORTING AND MONITORING PROGRAM

The City Council has adopted or will likely adopt the MRMP set forth in the FEIR. The City Council hereby finds that the MRMP meets the requirements of Section 21081.6 of CEQA and Sections 15097 and 15126.4 of the State CEQA Guidelines.

7.0 FINDINGS REGARDING PROJECT ALTERNATIVES NOT SELECTED FOR IMPLEMENTATION

The City Council recognizes that the SDSP will result in significant unavoidable environmental impacts that cannot be feasibly reduced to below a level of significance. The City Council finds that: (1) due to specified economic, legal, social, technological, and other considerations, each of the project alternatives examined in the FEIR are infeasible; (2) each of the project alternatives examined in the FEIR will not fulfill the identified project's stated objectives; and/or (3) each of the project alternatives examined in the FEIR will not feasibly result in the avoidance of any of the unmitigable significant or potentially significant environmental impacts associated with the proposed project.

7.1 Alternative No. 1 ("No Project" Alternative)

Alternative Project Description: Under this alternative no physical changes to the project site would occur, the property would be remain in its present condition, and no new development activities or other public improvements would occur thereupon. No grading or other landform modifications would occur. Maintenance activities, including weed abatement, would routinely be performed and the existing level of use would continue generally in the manner now experienced. In keeping with the general intent of this alternative, one possible variation would involve the use of a sufficient portion of the City Property to allow for the development of street improvements to the Brea Canyon Road/Diamond Bar Boulevard intersection.

Comparison of the Effects of the Alternative to the Effects of the Proposed Project: The City Council finds that the "No Project" alternative" is "environmentally superior" to the proposed project since it would, at least in the short term, result in the avoidance of those significant construction, operational, and cumulative air quality impacts associated with the proposed project.

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

(a) The City's analysis of project alternatives is presented in Section 6.0 (Alternatives Analysis) in the FEIR and that analysis is incorporated by reference herein.

(b) Under this alternative, no new housing units and no new commercial square footage would be constructed on the project site.

(c) The "no project" alternative generally reflects the conditions and associated environmental impacts that would predictably occur should the Lead Agency elect to either deny the proposed project or fail to take affirmative action on the proposed application, resulting in, at least, the short-term retention of the site in its existing condition. The denial of the current development application or the cessation of current process would, however, neither preclude the submission of a subsequent development application either by the current project proponent or another party nor ensure the site's retention as an open space area.

(d) With regards to construction air quality impacts, under the proposed project, combined emissions or reactive organic gases (ROG) were estimated at 136.02 pounds/day. Since that value exceeds the SCAQMD's recommended threshold criteria, construction impacts would be deemed to be significant. Since, under the "no project" alternative, no development would occur on the site, construction emissions would be eliminated and short-term air quality impacts would be reduced to a less-than-significant level.

(e) With regards to operational air quality impacts, the proposed project is projected to create ROG, oxides of nitrogen (NOx), and carbon dioxide (CO) emissions in excess of SCAQMD's suggested daily threshold criteria. Since, under the "no project" alternative, no development would occur on the project site, operational emissions would be eliminated and long-term air quality impacts would be reduced to a less-than-significant level.

(f) With regards to cumulative air quality impacts, independent of the Lead Agency's actions concerning the project site, related project activities will continue to incrementally contribute to regional air emissions within the SCAB. However, since site-specific contributions will not add to those conditions, cumulative air quality impacts would be deemed to be less than significant.

Effectiveness in Meeting Project Objectives: The City Council finds that the "No Project" alternative would not substantially meet the stated project objectives.

Feasibility: Although a substantial portion of the project site is owned by the District, the District has declared the District Property surplus and seeks to dispose of their real property holdings in order to raise funds for other eligible expenditures. As stipulated in the MOU between the City and the District, upon the approval of the specific plan for the development of Site D (if such approval were to occur), the "District agrees to use its best efforts to sell the School Property as entitled by the City for the fair market value, in accordance with the provisions of California Education Code commencing with Section 17455. City agrees to use its best efforts to sell the City Property for the fair market value. The parties agree to cooperatively work with each other to coordinate the sale of Site D." In the absence of public and/or private purchase of the project site for the purpose of open space preservation, there exists no mechanism to ensure the long-term preservation of the project site in an undeveloped condition. As a result, absent that participation, the "No Project" alternative is deemed to be infeasible.

7.2 Alternative No. 2 ("Public Facilities" Alternative)

Alternative Project Description: The District Property is presently designed "Public Facilities (PF)" in the General Plan. Although there exists no corresponding zoning designation which relates exclusively to public facilities, this alternative is predicated upon the geographic expansion of that General Plan designation across the entire project site and the development of the property in accordance with the declared intent of that General Plan designation. For the purpose of this alternatives analysis, under this alternative, it is assumed that the estimated developable area of the project site (20.2 acres) is developed at a floor-area-ratio of 0.25. Under this alternative, a total of 220,000 square feet of public facilities use would be developed on the project site. For the purpose of CEQA compliance, the FEIR assumed the sale of the project site to a private entity, such as a religious organization or operator of a parochial school.

Under this alternative, the project site would be developed to include a 73,000 square foot (500-student) private school and a 147,000 square foot (2,500-seat) church. A fellowship area would be developed within the sanctuary building which would be made available for public use as a banquet facility. Improvements would include a parochial school campus, including classrooms, library, and approximately 12,000 square foot (1,000-seat capacity) multi-purpose auditorium, outdoor recreational facilities, offices and administrative facilities, maintenance area, and caretaker's residence. The gymnasium would serve the private school and be available for the community for use after school hours, including after school programs administered by the Boys and Girls Club or similar organization. In addition, once operational, other on-site activities are assumed to include non-residential child-care services, family-care services, activities and uses catering to youth groups, music and drama ministries, counseling, prayer meetings, bible study, nutrition programs, homeless outreach and assistance programs, and other associated educational, job training, and community services activities. The campus would also contain 6,000 square feet of retail uses (book store).

Comparison of the Effects of the Alternative to the Effects of the Proposed Project: The City Council finds that the "Public Facilities" alternative is "environmentally superior" to the proposed project since it would result in the avoidance or substantial reduction of those significant operational air quality impacts associated with the proposed project.

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

(a) The City's analysis of project alternatives is presented in Section 6.0 (Alternatives Analysis) in the FEIR and that analysis is incorporated by reference herein.

(b) Implementation of this alternative will result in the generation of approximately 2,478 daily vehicle trips during a typical weekday, including 336 AM peak-hour trips. In comparison, the proposed project is forecast to generate approximately 9,276 daily two-way vehicle trips, including 272 trips during the weekday AM and 650 trips during the PM peak hours.

(c) Based on the nature of this alternative, trip generation characteristics would differ between weekdays and on Sunday. Based on the Sunday operation, this alternative would generate approximately 5,508 daily (Sunday) vehicle trips, including 1,412 AM peak-hour trips. In comparison, the proposed project is forecast to generate approximately 9,276 daily two-way vehicle trips, including 272 trips during the weekday AM and 650 trips during the PM peak hours.

(d) With regards to construction air quality impacts, under the proposed project, combined emissions or ROG were estimated at 136.02 pounds/day. Since this value exceeds the SCAQMD's recommended threshold criteria, construction impacts would be deemed to be significant. Although, under this alternative, on-site development activities may be reduced (220,000 square feet of public facility use as compared to 153,985 square feet of neighborhood-serving commercial use and 202 dwelling units), maximum daily construction activities would be anticipated to be similar. As a result, construction air quality impacts would be assumed to be similar to those associated with the proposed project and would remain significant.

(e) With regards to operational air quality impacts, the proposed project is projected to create ROG, NOx, and CO emissions in excess of the SCAQMD suggested daily threshold criteria. Implementation of this alternative would result in the generation of approximately 2,478 daily vehicle trips during a typical weekday (compared to 9,278 daily two-way vehicle trips associated with the proposed project), including 336 AM peak-hour trips (compared to 650 PM peak-hour trips associated with the proposed project). As a result, under this alternative, mobile source emissions would be substantially reduced. For the purpose of this alternatives analysis, it is assumed that operational air quality impacts would be reduced to a less-than-significant level.

(f) With regards to cumulative air quality impacts, related project activities, in combination with this alternative's construction and operation, would incrementally contribute to regional air emissions within the SCAB. Under the SCAQMD's recommended methodology, development activities that generate significant air quality impacts are also assumed to generate significant cumulative air quality impacts.

Effectiveness in Meeting Project Objectives: The City Council finds that the "Public Facilities" alternative would not substantially meet the stated project objectives to facilitate residential development on a minimum of 50 percent of the usable acreage, and commercial development on 50 percent of the usable acreage. Moreover, insofar as public facilities are owned and run by tax exempt entities, development pursuant to the "Public Facilities" alternatives would not only fail to provide a desirable level of sales tax revenue, but may also cause the property to be removed from the property tax rolls.

Feasibility: Excluding economic considerations which were not addressed in the FEIR, the City Council finds that the "Public Facilities" alternative is feasible.

7.3 Alternative No. 3 ("Community Commercial" Alternative)

Alternative Project Description: Under this alternative, the project site would be developed for commercial use in accordance with the "Neighborhood Commercial (C-1)" standards outlined in Chapter 22.10 (Commercial/Industrial Zoning Districts) of the Municipal Code. As specified in Section 22.10.020 (Purpose of Commercial/Industrial Zoning Districts) therein, the C-1 zoning district is applied to areas appropriate for a wide range of retail shopping and service uses, primarily intended to serve the needs of City residents. The allowable floor-area-ratio (FAR) for non-residential development shall be from 0.25 to 1.00 (Section 21.10.040). Based on a FAR of 0.35 applied to the estimated net acreage (20.2 net acres), a total of 307,969 square feet of commercial use would be developed on the project site. The site would be developed as a multi-tenant center including one or more "big-box" uses and a number of out-pads. Except as provided in

the Municipal Coe, building heights would not exceed 35 feet. On-site parking would be provided at a ratio of one space for each 300 square feet of gross floor area plus one space for each 1,000 square feet of outdoor display area (Section 22.30.030). The alternative-specific grading plan could closely replicate that associated with the SDSP.

Comparison of the Effects of the Alternative to the Effects of the Proposed Project: The City Council finds that the "Community Commercial" alternative is not "environmentally superior" to the proposed project since it would not result in the avoidance or substantial reduction of those significant construction, operational, and cumulative air quality impacts associated with the proposed project.

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

(a) The City's analysis of project alternatives is presented in Section 6.0 (Alternatives Analysis) in the FEIR and that analysis is incorporated by reference herein.

(b) With regards to construction air quality impacts, under the proposed project, combined emissions or ROG were estimated at 136.02 pounds/day. Since this value exceeds the SCAQMD's recommended threshold criteria, construction impacts would be deemed to be significant. Under this alternative, on-site development activities may be increased (307,969 square feet of neighborhood-serving commercial use as compared to 153,985 square feet of comparable commercial use and 202 dwelling units). However, because mass grading of the project site would be required to create building pads and an on-site circulation system, maximum daily construction activities would be anticipated to be similar. As a result, construction air quality impacts would be assumed to be similar to those associated with the proposed project and would remain significant.

(c) With regards to operational air quality impacts, the proposed project is projected to create ROG, NOx, and CO emissions in excess of the SCAQMD suggested daily threshold criteria. Under this alternative, the resulting retail shopping center is projected to generate substantially greater volumes of peak hour and daily vehicle trips that the proposed residential and commercial development. Notwithstanding the elimination of 202 dwelling units, the doubling of the square footage of on-site commercial uses would result in a net increase in the number of peak hour and daily vehicle trips generated under this alternative. Based on that increase in alternative-related traffic, operational air quality impacts would be projected to remain significant.

(d) With regards to cumulative air quality impacts, related project activities, in combination with this alternative's construction and operation, would incrementally contribute to regional air emissions within the SCAB. Under the SCAQMD's recommended methodology, development activities that generate significant air quality impacts are also assumed to generate significant cumulative air quality impacts.

Effectiveness in Meeting Project Objectives: The City Council finds that the "Community Commercial" alternative would not substantially meet the stated project objectives in that it would not provide for the requisite percentage of residential development.

Feasibility: Excluding economic considerations which are not addressed in the FEIR, the City Council finds that the "Community Commercial" alternative is feasible.

7.4 Alternative No. 4 ("Low-Density Residential" Alternative)

Project Description: The eastern portion of the project site is zoned "Low Density Residential (R-1-7,500)" on the City's Official Zoning Map. This alternative is predicated upon the geographic expansion of the "Low Density Residential (RL)" zoning designation within the estimated developable area of the project site (20.2 net acres) at a density of 3 dwelling units per acre. Under this alternative, a total of about 60 single-family detached and/or single-family attached units would be developed on the project site. Under this alternative, the alternative-specific grading plan could closely replicate that associated with the SDSP.

Comparison of the Effects of the Alternative to the Effects of the Proposed Project: The City Council finds that the "Low-Density Residential" alternative is "environmentally superior" to the proposed project since it would result in the avoidance or substantial reduction of those significant operational air quality impacts associated with the proposed project.

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

(a) The City's analysis of project alternatives is presented in Section 6.0 (Alternatives Analysis) in the FEIR and that analysis is incorporated by reference herein.

(b) With regards to construction air quality impacts, under the proposed project, combined emissions or ROG were estimated at 136.02 pounds/day. Since this value exceeds the SCAQMD's recommended threshold criteria, construction impacts would be deemed to be significant. Under this alternative, on-site development activities may be substantially decreased (60 dwelling units compared to 153,985 square feet of commercial use and 202 dwelling units). However, because mass grading of the project site would be required to create building pads and an on-site circulation system, maximum daily construction activities would be anticipated to be similar. As a result, construction air quality impacts would be assumed to be similar to those associated with the proposed project and would, therefore, remain significant.

(c) With regards to operational air quality impacts, the proposed project is projected to create ROG, NOx, and CO emissions in excess of the SCAQMD suggested daily threshold criteria. Residential projects generate substantially lower volumes of peak hour and daily vehicle trips that comparably sized retail shopping center projects. Similarly, although some differences exist based on the type of residential development proposed, projects with fewer dwelling units can be assumed to generate a lesser number of peak hour and daily vehicle trips that projects with a greater number of dwelling units. As a result, under this alternative, mobile source emissions would be substantially reduced. For the purpose of this alternatives analysis, it is assumed that operational air quality impacts would be reduced to a less-than-significant level.

(d) With regards to cumulative air quality impacts, related project activities, in combination with this alternative's construction and operation would incrementally contribute to regional air emissions within the SCAB. Under the SCAQMD's recommended methodology, development activities that generate significant air quality impacts are also assumed to generate significant cumulative air quality impacts.

Effectiveness in Meeting Project Objectives: The City Council finds that the "Low-Density Residential" alternative would not substantially meet the stated project objectives in that it would not provide for the requisite percentage of commercial development. Moreover, as a result of Diamond Bar's very limited land inventory, a low density alternative would not only cause the City to lose substantial ground in fulfilling its housing growth need on a site properly suited for higher density housing, but it would increase the burden on other available and potentially available (i.e. those which need to be rezoned during the current Housing Element period) sites to reach the City's RHNA targets.

Feasibility: Excluding economic considerations which are not addressed in the FEIR, the City Council finds that the "Low-Density Residential" alternative is feasible.

7.5 Alternative No. 5 ("High-Density Residential" Alternative)

Project Description: Under this alternative, the project site would be developed for residential use in accordance with the "High Density Residential" (RH)" standards outlined in Chapter 22.08 (Residential Zoning Districts) of the Municipal Code. As specified, the maximum allowable density in this district is 20 dwelling units per acre. Based on the estimated net acreage (20.2 net acres), a total of approximately 404 dwelling units could be constructed on the property. Under this alternative, the alternative-specific grading plan could closely replicate that associated with the SDSP.

Comparison of the Effects of the Alternative to the Effects of the Proposed Project: The City Council finds that the "High-Density Residential" alternative is "environmentally superior" to the proposed project since it would result in the avoidance or substantial reduction of those significant operational air quality impacts associated with the proposed project.

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

(a) The City's analysis of project alternatives is presented in Section 6.0 (Alternatives Analysis) in the FEIR and that analysis is incorporated by reference herein.

(b) As stipulated in Section 22.22.040 (Density) of the Municipal Code, the maximum number of units that may be allowed on a given parcel subject to the hillside management ordinance is calculated in compliance with specified requirements. In accordance with the City's hillside management ordinance, a maximum of 524 dwelling units can be constructed within the project area. The number of dwelling units that would be constructed under this alternative (404 units) is less than the number allowable under the City's hillside management ordinance.

(c) Implementation of this alternative will result in the generation of approximately 2,368 daily vehicle trips during a typical weekday, including 178 AM peak-hour trips and 210 PM peak-hour trips. In comparison, the proposed project is forecast to generate approximately 9,276 daily two-way vehicle trips, including 272 trips during the weekday AM and 650 trips during the PM peak hours.

(d) With regards to construction air quality impacts, under the proposed project, combined emissions or ROG were estimated at 136.02 pounds/day. Since this value exceeds the SCAQMD's recommended threshold criteria, construction impacts would be deemed to be significant. Under this alternative, on-site development activities would consist of 404 attached dwelling units, compared to

153,985 square feet of neighborhood-serving commercial use and 202 dwelling units. Because mass grading of the project site would be required to create building pads and an on-site circulation system, maximum daily construction activities would be anticipated to be similar. As a result, construction-term air quality impacts would be assumed to be similar to those associated with the proposed project and would, therefore, remain significant.

(e) With regards to operational air quality impacts, the proposed project is projected to create ROG, NOx, and CO emissions in excess of the SCAQMD suggested daily threshold criteria. Because this alternative would generate substantially lower volumes of peak hour and daily vehicle trips that associated with the proposed project, mobile source emissions would be substantially reduced. For the purpose of this alternatives analysis, it is assumed that operational air quality impacts would be reduced to a less-than-significant level.

(f) With regards to cumulative air quality impacts, related project activities, in combination with this alternative's construction and operation would incrementally contribute to regional air emissions within the SCAB. Under the SCAQMD's recommended methodology, development activities that generate significant air quality impacts are also assumed to generate significant cumulative air quality impacts.

Effectiveness in Meeting Project Objectives: The City Council finds that the "High-Density Residential" alternative would not substantially meet the stated project objectives in that it would not provide for the requisite percentage of commercial development.

Feasibility: Excluding economic considerations which are not addressed in the FEIR, the City Council finds that the "High-Density Residential" alternative is feasible.

8.0 PROJECT BENEFITS

The City Council finds the proposed project would result in a number of identifiable community benefits. Those benefits include, but may not be limited to:

(1) Adoption of the proposed SDSP will serve to define the types of permitted and conditionally permitted land uses that the City Council believes to be appropriate for the project site and for the project setting, define reasonable limits to the type, intensity, and density of those uses, and establish the design and development standards for those uses.

(2) Adoption of the proposed SDSP will serve as a valuable regulatory tool for the systematic implementation of the City's General Plan.

(3) Adoption of the proposed SDSP will impose reasonable development controls and standards designed to ensure the integrated development of the project site.

(4) The proposed project will facilitate the District's efforts to sell surplus District Property by providing a subsequent purchaser reasonable certainty as to the type, intensity, and general configuration of allowable on-site land uses.

(5) Adoption of the proposed SDSP will optimize the benefits of the District sale of surplus District property for the benefit of its constituents and its educational mission.

(6) The proposed project will result in the production of 202 new housing units within the City, thus helping the City respond to the identified housing demand outlined in the current "Regional Housing Needs Assessment" (RHNA).

(7) The construction and sale of attached residential condominium units present future homebuyers with additional purchase options and price variations allowing homebuyers to better match housing choices with household needs and demands.

(8) The creation of a mixed-use development will promote the attainment or regional jobs-to-housing ratio objectives established by regional governmental entities and produce corresponding environmental benefits.

(9) Project approval will allow for the productive use of an underutilized property in the City's General Plan, convert a tax-exempt property to a private use, and introduce a land use that will generate sales and other taxes for the benefit of the City and its constituents.

(10) Improvements to the Diamond Bar Boulevard/Brea Canyon Road intersection will improve traffic flow in and through that intersection.

(11) Payment of school impact, park, and traffic impact fees and other exactions will facilitate the ability of the City and other agencies to undertake improvements to specific public facilities.

(12) Adoption of the SDSP will further the intent of SB 375 by facilitating horizontal mixed use with pedestrian connections between the residential and commercial components. Without transit infrastructure (other than bus routes), mixed use developments can play a greater role in local efforts to reduce VMT.

9.0 STATEMENT OF OVERRIDING CONSIDERATIONS

As described above, the proposed project would produce significant unavoidable adverse impact in the following three topical areas: (1) Air Quality (Construction Impact); (2) Air Quality (Operational Impact): and (3) Air Quality (Cumulative Impact). Each of those identified significant environmental effects will continue to manifest as significant impacts notwithstanding the City Council's adoption or likely adoption of those mitigation measures identified in the FEIR.

In order to determine whether the proposed project's potential environmental impacts are acceptably overridden by the project's anticipated benefits, Section 15093 of the State CEQA Guidelines requires the City to balance the potential benefits of the proposed project against the project's potential unavoidable significant environmental impacts.

The City Council finds that the previously stated benefits outweigh the significant unavoidable adverse environmental impacts of the proposed project. Each of the separate and distinct benefits of the proposed project is determined to be, in themselves and independently of any other identified benefit, a basis for overriding all unavoidable environmental impacts, as identified in these Findings.

The City Council has identified economic and social benefits and important public policy objectives that will result from implementation of the proposed project. The City Council has sought to balance these substantial economic and social benefits against the significant unavoidable adverse environmental effects of the proposed project. Given the substantial social and economic benefits that will accrue to the City, to the District, and to the region from the implementation of the proposed project, the City Council finds that the proposed project's identified benefits override the project's identified significant environmental impacts.

Table ES-2
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Biological Resources		
5-1	Jurisdictional Features. In order to reduce impacts to United States Army Corps of Engineers and Regional Water Quality Control Board (ACOE/RWQCB) and California Department of Fish and Game (CDFG) jurisdictional waters, prior to the issuance of a grading permit, the Applicant shall demonstrate, to the satisfaction of the Community Development Director, receipt of any discretionary permits and approval as may be required from the ACOE, RWQCB, and CDFG and commit to the provision of compensatory jurisdictional resources meeting or exceeding the following minimal standards: (1) the on-site and/or off-site replacement of ACOE/RWQCB jurisdictional waters and wetlands at a 2:1 ratio; (2) the on-site and/or off-site replacement of CDFG jurisdictional streambed and associated riparian habitat at a 2:1 ratio; and (3) the incorporation of design features into the proposed project's design and development.	Community Development Director	Issuance of Grading Permits
	Traffic and Circulation		
6-1	Prior to the recordation of the final tract map, the Applicant shall provide, to the satisfaction of the City Engineer, the intersection improvements identified in the traffic impact analysis or provide a "fair-share" contribution toward the cost of the improvements to the following intersections: (1) Brea Canyon Road (W) at Pathfinder Road; (2) Diamond Bar Boulevard at Pathfinder Road; (3) Brea Canyon Road at Cold Spring Lane; (4) Diamond Bar Boulevard at Cold Spring Lane; (5) Pathfinder Road at Brea Canyon Cutoff; (6) SR-57 SB Ramps at Brea Canyon Cutoff Road; (7) SR-57 NB Ramps at Brea Canyon Cutoff/Diamond Bar Boulevard; (8) Brea Canyon Road at Diamond Bar Boulevard; (9) Cherrydale Drive at Diamond Bar Boulevard; (10) Brea Canyon Road at Silver Bullet Drive; (11) Diamond Bar Boulevard at Grand Avenue; and (12) Colima Road at Brea Canyon Cutoff.	City Engineer	Final Tract Map Recordation
6-2	The final site plan shall include and accommodate those traffic measures, improvements, and such other pertinent factors and/or facilities as may be identified by the City Engineer to ensure the safe and efficient movement of project-related traffic.	City Engineer	Site Plan Approval
	Air Quality		
7-1	All non-residential paints shall contain no more than 0.22 pound/gallon (100 gram/liter) of volatile organic compound (VOC).	Community Development Director	Building Permit Issuance
7-2	The Applicant shall abide by any other air pollution reduction measures as may be approved by the City of Diamond Bar and/or by the South Coast Air Quality Management District.		Building Permit Issuance
7-3	Traffic lane improvements and signalization, as outlined in the traffic study, shall be implemented and will generally improve local traffic flow, thereby reducing emissions created in the project area.	City Engineer	Building Permit Issuance
7-4	To encourage the use of mass transportation, the Applicant shall place bus stop shelters at any bus stops situated or to be situated along any site frontage routes if not already so equipped.		Building Permit Issuance

Exhibit B

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

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

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

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

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

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

Attachment 2

PLANNING COMMISSION
RESOLUTION NO. 2010-XX

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

A. RECITALS

1. On July 1, 2007, the property owner/co-applicant, Walnut Valley School District, and property owner/co-applicant/lead agency, City of Diamond Bar, executed a Memorandum of Understanding whereby the parties agreed to collaborate in the planning of the future land use for the approximately 30.36-acre parcel property located at the southeast corner of Brea Canyon Road and Diamond Bar Boulevard, City of Diamond Bar, County of Los Angeles, California so that both parties may each advance their respective objectives for the disposition of the property;

2. The following approvals are requested to the City Council:

   (a) General Plan Amendment No. 2007-03 to change the land use designations from Public Facility (PF) and General Commercial (C) to Specific Plan (SP);

   (b) Zone Change No. 2007-04 to change the zoning districts from Low Density Residential (RL) and Neighborhood Commercial (C-1) to Specific Plan;

   (c) Specific Plan No. 2007-01 to adopt the Site D Specific Plan for the approximately 30.36 acre site to facilitate the development of a maximum of 202 residential; 153,985 gross sq. ft. of commercial; and approximately 8 acres of open space areas, easements, and rights-of-way;

   (d) Tentative Tract Map No. 70687 to establish separate residential, commercial, and open space parcels; create an internal circulation system and common open space areas; and establish easements and other rights-of-way for utility and other purposes; and

   (e) Environmental Impact Report 2007-02 to

certify the Final EIR, which provides a detailed analysis of potential environmental impacts associated with the development of the Specific Plan area.

3. In accordance to the provisions of the California Environmental Quality Act (CEQA), Section 15168 et seq., an Environmental Impact Report (EIR) has been prepared for the project which found that the proposed project may have remaining significant impacts that requires adoption of "Findings of Facts and Statement of Overriding Considerations." Per CEQA Guidelines Section 15090, the EIR is being reviewed concurrently with the approval of the General Plan Amendment No. 2007-03 and Zone Change No. 2007-04 and must be certified by the City Council before project approval;

4. In accordance with CEQA Guidelines Sections 15090 through 15093, a resolution recommending certification of the EIR, adoption of a mitigation reporting and monitoring program, and adoption of "Findings of Facts and Statement of Overriding Considerations" to the City Council for the project is being reviewed by the Planning Commission concurrently with this resolution;

5. The approval of Specific Plan No. 2007-01 (Site D Specific Plan) that is being reviewed concurrently with this project, includes a land use plan that divides the property into three sub-planning areas (Residential, Commercial, and Open Space/Circulation) and includes standards and guidelines for future development of the specific plan site;

6. Notification of the public hearing for this project was published in the San Gabriel Valley Tribune and the Inland Valley Daily Bulletin newspapers on April 2, 2010. Public hearing notices were mailed to property owners within a 1,000-foot radius of the project site and public notices were posted at the City's designated community posting sites. In addition to the published and mailed notices, the project site was posted with a display board and the notice was posted at three other locations within the project vicinity;

7. On April 13 and April 27, 2010, the Planning Commission of the City of Diamond Bar conducted a duly noticed public hearing, solicited testimony from all interested individuals, and concluded said hearing on that date;

8. The Planning Commission has determined that the proposed General Plan Amendment and Zone Change represents a consistent, logical, appropriate and rational land use designation and implementing tool that furthers the goals and objectives of the City General Plan; and

9. The documents and materials constituting the administrative record of the proceedings upon which the City's decision is based are located at the

City of Diamond Bar, Community Development Department, Planning Division, 21825 Copley Drive, Diamond Bar, CA 91765.

B. RESOLUTION

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

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

2. Based on the findings and conclusions set forth herein, the Planning Commission hereby finds and recommends as follows:

   a. City Council approval of a General Plan Amendment No. 2007-03 for the Site D Specific Plan based on the following finding, as required by Section 22.70.050 of the Municipal Code and in conformance with California Government Code Section 65358:

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

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

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

      - Land Use Element – Goal 2 states: Manage land use with respect to the location, density and intensity, and quality of

development. Maintain consistency with the capabilities of the City and special districts to provide essential services which achieve sustainable use of environment and manmade resources.

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

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

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

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

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

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

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

ensure that new residential community will coexist harmoniously with the adjoining, established neighborhoods.

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

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

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

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

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

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

- Public Health and Safety Element Vision Statement states: It is the overall goal of the plan to provide a safe and healthy environment for the residents of Diamond Bar. Goal 1 states: Create a secure public environment which minimizes potential loss of life and property damage, as well as social, economic, or environmental disruption resulting from natural and manmade disasters.

  The Site D Specific Plan will provide a safe and secure environment for City residents by promoting the policies and ideals particular to the City of Diamond Bar. Specific standards

are included in the Site D Specific Plan regulating development within the project area, which will minimize potential loss of life and property damage. Additionally, each stage of development permitted by this Specific Plan will adequately provide vehicular access, public facilities, and infrastructure for public health and safety.

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

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

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

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

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

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

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

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

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

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

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

  The Site D Specific Plan area will contain a high-quality, mixed-use development, composed of commercial-retail, higher-density residential, and open space land uses. The provision of residential uses on-site creates an immediate market for retail and service uses, thereby enhancing the potential for establishing a successful mixed-use master planned development. Additionally, Site D Specific Plan will provide housing and job opportunities to the City of Diamond Bar residents, which will generate property and sales taxes that can be used for improvement of public services and facilities. Due to the project's convenient location and site planning, Site D presents an economically viable plan that is good for the City of Diamond Bar and its residents.

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

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

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

The Planning Commission shall:

(a) Certify to the adoption of this Resolution; and

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

APPROVED AND ADOPTED THIS 27th DAY OF APRIL 2010, BY THE PLANNING COMMISSION OF THE CITY OF DIAMOND BAR.

By: _____
Tony Torng, Chairman

I, Greg Gubman, Planning Commission Secretary, do hereby certify that the foregoing Resolution was duly introduced, passed, and adopted, at a regular meeting of the Planning Commission held on the 27th day of April, 2010, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

ATTEST: _____
Greg Gubman, Secretary

Attachment 3

PLANNING COMMISSION
RESOLUTION NO. 2010-XX

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

A. RECITALS

1. On July 1, 2007, the property owner/co-applicant, Walnut Valley School District, and property owner/co-applicant/lead agency, City of Diamond Bar, executed a Memorandum of Understanding whereby the parties agreed to collaborate in the planning of the future land use for the approximately 30.36-acre parcel property located at the southeast corner of Brea Canyon Road and Diamond Bar Boulevard, City of Diamond Bar, County of Los Angeles, California so that both parties may each advance their respective objectives for the disposition of the property;

2. The Application is being reviewed by the Planning Commission concurrently with General Plan Amendment No. 2007-03, Zone Change No. 2007-04, and Environmental Impact Report No. 2007-02 (SCH No. 2008021014);

3. In accordance to the provisions of the California Environmental Quality Act (CEQA), Section 15168 et seq., an Environmental Impact Report (EIR) has been prepared for the project which found that the proposed project may have remaining significant impacts that requires adoption of "Findings of Facts and Statement of Overriding Considerations." Per CEQA Guidelines Section 15090, the EIR is being reviewed concurrently with the approval of the General Plan Amendment No. 2007-03 and Zone Change No. 2007-04 and must be certified by the City Council before project approval;

4. In accordance with CEQA Guidelines Sections 15090 through 15093, a resolution recommending certification of the EIR, adoption of a mitigation reporting and monitoring program, and adoption of "Findings of Facts and Statement of Overriding Considerations" to the City Council for the project is being reviewed by the Planning Commission concurrently with this

resolution;

5. The approval of Specific Plan No. 2007-01 (Site D Specific Plan) that is being reviewed concurrently with this application, includes a land use plan that divides the property into three sub-planning areas (Residential, Commercial, and Open Space/Circulation) and includes standards and guidelines for future development of the specific plan site;

6. The following approvals are requested to the City Council:

   (a) General Plan Amendment No. 2007-03 to change the land use designations from Public Facility (PF) and General Commercial (C) to Specific Plan (SP);

   (b) Zone Change No. 2007-04 to change the zoning districts from Low Density Residential (RL) and Neighborhood Commercial (C-1) to Specific Plan;

   (c) Specific Plan No. 2007-01 to adopt the Site D Specific Plan for the approximately 30.36 acre site to facilitate the development of a maximum of 202 residential; 153,985 gross sq. ft. of commercial; and approximately 8 acres of open space areas, easements, and rights-of-way;

   (d) Tentative Tract Map No. 70687 to establish separate residential, commercial, and open space parcels; create an internal circulation system and common open space areas; and establish easements and other right-of-way for utility and other purposes; and

   (e) Environmental Impact Report 2007-02 to certify the Final EIR, which provides a detailed analysis of potential environmental impacts associated with the development of the Specific Plan area.

7. Notification of the public hearing for this project was published in the San Gabriel Valley Tribune and the Inland Valley Daily Bulletin newspapers on April 2, 2010. Public hearing notices were mailed to property owners within a 1,000-foot radius of the project site and public notices were posted at the City's designated community posting sites. In addition to the published and mailed notices, the project site was posted with a display board and the notice was posted at three other locations within the project vicinity;

8. On April 13 and April 27, 2010, the Planning Commission of the City of Diamond Bar conducted a duly noticed public hearing, solicited testimony from all interested individuals, and concluded said hearing on that date; and

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

B. RESOLUTION

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

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

2. In accordance to the provisions of the California Environmental Quality Act (CEQA), Section 15168 et seq., an Environmental Impact Report (EIR) has been prepared for the project which found that the proposed project may have remaining significant impacts that requires adoption of "Findings of Facts and Statement of Overriding Considerations." Per CEQA Guidelines Section 15090, the EIR is being reviewed concurrently with the approval of the General Plan Amendment No. 2007-03 and Zone Change No. 2007-04 and must be certified by the City Council before project approval;

3. The Planning Commission hereby specifically finds and determines that, having considered the record as a whole including the findings set forth below, and changes and alterations which have been incorporated into and conditioned upon the proposed project set forth in the application, there is no evidence before this Planning Commission that the project proposed herein will have the potential of an adverse effect on wild life resources or the habitat upon which the wildlife depends. Based upon substantial evidence, this Planning Commission hereby rebuts the presumption of adverse effects contained in Section 753.5(d) of Title 14 of the California Code of Regulations;

4. Based on the findings and conclusions set forth herein, the Planning Commission hereby finds and recommends as follows:

   a. The Site D Specific Plan is to allow vacant land comprised of approximately 30.36 acres located at the southeast corner of Brea Canyon Road and Diamond Bar Boulevard (Assessors Parcel Number 8714-002-900, 8714-002-901, 8714-002-902, 8714-002-903 and 8714-015-001) with 202 residential dwelling units; 153,985 gross sq. ft. of commercial use; and approximately 8 acres of open space areas, easements, and rights-of-way;

   b. The current General Plan land use designations for the site include Public Facility (PF) and General Commercial (C). General Plan

Amendment No. 2007-03 being considered concurrently with this application proposes to change the land use designation for the site to Specific Plan. With approval of the General Plan Amendment, the Application will be consistent with the General Plan land use designation;

c. The project site is within the Low Density Residential (RL) and Neighborhood Commercial (C-1). Zone Change No. 2007-04 is being reviewed concurrently with the Application that requests that the City Council approve the zone change from the current zoning to Specific Plan for General Plan compliance;

d. The project site is generally surrounded by single-family homes to the north, south, and west, and a gas station and professional office buildings to the east. The site is bordered on the north by Diamond Bar Boulevard, and Brea Canyon Road to the west. The Brea Canyon Flood Control Channel runs roughly parallel to Brea Canyon Road and cuts through the western portion of the property.

e. The application involves a request for the following: Adoption of the Site D Specific Plan for development of the site with 202 residential dwelling units; 153,985 gross sq. ft. of commercial use; and approximately 8 acres of open space areas, easements, and rights-of-way.

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

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

The proposed project involves the subdivision of the site with 202 residential units; 153,985 gross sq. ft. of commercial use; and approximately 8 acres of open space areas, easements, and rights-of-ways. The General Plan land use designations for the site include Public Facility (PF) and General Commercial (C). General Plan Amendment No. 2007-03 being considered concurrently with this application proposes to change the land use designation for the site to Specific Plan. With approval of the General Plan Amendment, the Application will be consistent with the General Plan land use designation.

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

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

The proposed subdivision will be consistent with the amended General Plan land use designation that is being considered concurrently with the application. The proposed land use designation will be Specific Plan that will allow for the development of 202 residential dwelling units; 153,985 gross sq. ft. of commercial use; and approximately 8 acres of open space areas, easements, and rights-of-way. The buildings will have minimum setbacks requiring 15 feet from Diamond Bar Boulevard and Brea Canyon Road, 85 feet from the southerly property line (which abut residential), and 30 feet from the easterly edge. Visual analysis was performed to understand how the building massing of both commercial and residential would look from the street. This analysis led the City to expand some of the building setbacks.

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

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

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

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

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

The development will also have traffic improvements to mitigate existing plus project traffic conditions and cumulative traffic impacts.

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

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

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

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

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

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

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

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

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

the following findings:

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

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

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

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

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

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

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

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

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

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

5. Based on the findings and conclusions set forth herein, the Planning Commission hereby finds and recommends that the City Council approve Specific Plan No. 2007-01 and Tentative Tract Map No. 70687, subject to

the following conditions, the attached Conditions of Approval and the Mitigation Reporting and Monitoring Program:

a. GENERAL

1. This approval for Site D Specific Plan and Tentative Tract Map No. 70687 shall be null and void and of no effect unless the EIR (SCH #2008021014) is certified, the Mitigation Reporting and Monitoring Program, Facts and Findings and Statement of Overriding Considerations are adopted, and General Plan Amendment No. 2007-03 and Zone Change No. 2007-04 are approved;

2. The development shall comply with the Mitigation Reporting and Monitoring Program for EIR (SCH #2008021014). A copy is attached hereto and referenced herein; and

3. The development shall comply with the Conditions of Approval/Performance Standards in the Site D Specific Plan. A copy is attached hereto and referenced herein.

b. TENTATIVE TRACT CONDITIONS

1. The development shall provide parcels, easements or rights-of-way for streets, water supply and distribution systems, sewage disposal systems, storm drainage facilities, solid waste disposal and public utilities providing electric, gas and communications services;

2. The development shall mitigate or eliminate environmental problems identified through the environmental review process, except where a statement of overriding considerations has been adopted in compliance with CEQA;

3. The development shall carry out the specific requirements of Chapter 21.30 (Subdivision Design and Improvement Requirements) and Chapter 21.34 (Improvement Plans and Agreements) of the Subdivision Ordinance;

4. The development shall secure compliance with the requirements of the Subdivision Ordinance and the general plan;

5. Any designated remainder parcels shall not be subsequently sold or further subdivided unless a certificate or conditional certificate of compliance (Chapter 21.28) is obtained in compliance with the Subdivision Ordinance;

6. The development shall dedicate additional land for bicycle paths, and local transit facilities (including bus turnouts, benches, shelters,

etc.), in compliance with subdivision map act chapter 4, article 3, where required by the general plan; and

7. The tentative tract map shall be modified to be consistent with the land use plan adopted as part of the Specific Plan.

The Planning Commission shall:

(a) Certify to the adoption of this Resolution; and

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

APPROVED AND ADOPTED THIS 27th DAY OF APRIL 2010, BY THE PLANNING COMMISSION OF THE CITY OF DIAMOND BAR.

By: _____
Tony Torng, Chairman

I, Greg Gubman, Planning Commission Secretary, do hereby certify that the foregoing Resolution was duly introduced, passed, and adopted, at a regular meeting of the Planning Commission held on the 27th day of April, 2010, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

ATTEST: _____
Greg Gubman, Secretary

Table ES-3
RECOMMENDED CONDITIONS OF PROJECT APPROVAL

No.	Condition of Approval
	Land Use
1-1	Unless effective sound mitigation can be demonstrated once the project is operational or other controls imposed on delivery and related activities, no delivery activities shall occur between the hours of 10:00 PM and 7:00 AM.
1-2	The Applicant shall include as part of the real estate disclosure documentation, as required by the California Department of Real Estate for purchasers of those residential units to be constructed on the project site, the disclosure that commercial activities are proposed on the adjacent property and that the operational characteristics of those activities may include trucking, delivery, and maintenance operations by diesel-fueled and non-diesel-fueled vehicles.
1-3	Following the approval of the specific plan and/or any associated amendments to the City's General Plan, the Lead Agency shall provide notification of that action to the Southern California Association of Governments (SCAG), requesting that any subsequent amendments to SCAG's "Regional Transportation Plan" (RTP) and other regional planning forecasts reflect a greater level of population and housing growth within the City during the 2005-2010 time period.
1-4	Total new residential and non-residential development constructed on the project site shall not exceed 202 dwelling units and 153,985 gross leaseable square feet, respectively, unless a subsequent traffic study, addressing the traffic-related impacts associated with any such increase, is prepared by or submitted to and deemed acceptable by the City or unless such increase can be determined by the City to not result in any substantial increase in project-related traffic impacts. Should additional traffic impacts be identified, the City, at its sole discretion, may initiate additional environmental review and/or impose additional conditions or other measures in response to those impacts.
	Geotechnical Hazards
3-1	Prior to the issuance of grading and building permits, the Applicant shall demonstrate, to the satisfaction of the City Engineer, that each of the recommendations contained in the project's preliminary geotechnical investigation and in any supplemental reports as may be prepared by the Applicant's Geotechnical Engineer or by others have been incorporated into the project's design, development, and operation. The project shall be constructed, operated, and maintained in accordance with those recommendations and with such additional geologic, geotechnical, seismic, and soils recommendations as may result from further analyses that may be presented to, imposed, or adopted by the City.
	Hydrology and Water Quality
4-1	If the flood control channel right-of-way is to be utilized as part of the project's development plan, prior to the issuance of a grading permit, the Applicant shall obtain all requisite permits and approvals from the Los Angeles County Department of Public Works – Flood Control District allowing for the overbuilding of the Brea Canyon Storm Drain Channel and shall provide the City Engineer with documentation, acceptable to the City Engineer, demonstrating County approval and authorization, including a complete list of all permit requirements that may be associated therewith.
4-2	Prior to the issuance of a grading permit, the Applicant shall prepare and, when acceptable, the City Engineer shall approve a standard urban stormwater mitigation plan (SUSMP) conforming to the requirements of Section 8.12.1695 (Standard Urban Storm Water Mitigation Plan Requirements for New Development and Redevelopment Projects) of the Municipal Code.

Table ES-3
RECOMMENDED CONDITIONS OF PROJECT APPROVAL

No.	Condition of Approval
	Biological Resources (Continued)
5-1	In order to demonstrate compliance with applicable State and federal resource protection policies designed to protect or compensate for the loss of biological resources, prior to the approval of a grading permit, were applicable, the Applicant shall provide the Director with documentation of receipt of the following permits: (1) Section 401 (Federal Clean Water Act) water quality certification or waiver of waste discharge requirements from the Regional Water Quality Control Board, Los Angeles Region; (2) nationwide Section 404 (Federal Clean Water Act) permit from the United States Army Corps of Engineers; and (3) Section 1602 (California Fish and Game Code) streambed alteration agreement from the California Department of Fish and Game. The Applicant shall comply with all associated permit requirements.
5-2	Prior to the issuance of a grading permit, the Applicant shall submit to the Community Development Director and, when acceptable, the Director shall accept for subsequent processing an arborist-prepared tree survey, specifying: (1) the precise number and type of protected trees that will be directly or indirectly impacted by the proposed project; (2) the number (ratio), type, size, and source of trees that will be planted in compensation thereof; (3) the location of all replacement trees; (4) planting notes and irrigation requirements; (4) performance standards for the survivability of replacement trees; (5) a maintenance agreement stipulating the Applicant's obligations for a minimum 3-year period, including the annual reporting; and (6) the amount and derivation of the security deposit required under the City's tree preservation ordinance.
5-3	California Walnut Woodland. Measures to mitigate impacts to California walnut woodland will be orchestrated in concert with the replanting of trees protected by the City's tree preservation and protection ordinance. To the extent possible, southern California black walnut trees will be planted on manufactured slopes within the development. Prior to the issuance of a grading permit, a plan shall be submitted to the Community Development Director and, when acceptable, the Director shall approve a plan describing the number, size, and location of walnut trees to be planted and outline success criteria and adaptive management procedures to ensure that the mitigation plan is successful.
5-4	As determined feasible by the Community Development Director, initial vegetation removal activities shall be conducted outside the nesting season (February 15-August 15) to avoid impacts upon nesting birds. If initial vegetation removal activities occur during the nesting season, prior to the commencement of any grading or grubbing activities, all suitable habitat shall first be thoroughly surveyed by a qualified biologist for the presence of nesting birds. If any active nests are detected, a buffer of at least 300 feet (500 feet for raptors) shall be delineated, flagged, and vegetation removal activities avoided therein until the nesting cycle is complete, as determined by the surveying biologist or a qualified biological monitor.
5-5	BMP devices shall be designed in consultation with the Greater Los Angeles County Vector Control District and shall be of a type which minimizes the potential for vector (public nuisance) problems and maintained throughout the project life so as not to contribute to those problems. Unless accepted by the County and/or by the City, the responsibilities for and the funding of the maintenance of Best Management Practices (BMPs) shall constitute obligations of the homeowners' association as to those BMPs associated with the project's residential component and the property owners' association as to those BMPs associated with the project's commercial component. BMPs not directly attributable to a single project component or use shall, by agreement between owners, become the shared obligation of both associations.
	Transportation and Circulation
6-1	Construction Worker Parking and Equipment Staging Plan. Prior to the issuance of a grading permit, the Applicant shall submit and, when deemed acceptable, the City Engineer shall approve a construction worker parking and equipment staging plan (PESP) designed to minimize disturbance to the surrounding residences to the greatest extent feasible. Unless otherwise authorized therein, contractors and other construction personnel performing construction activities in proximity to the project site shall be prohibited from parking and/or operating construction equipment, dumpsters, trailers, or other material within a public right-of-way or other public property. The PESP can be combined with or become a part of the construction traffic safety plan and/or any other construction management plan as may be required by the City.

Table ES-3
RECOMMENDED CONDITIONS OF PROJECT APPROVAL

No.	Condition of Approval
	Transportation and Circulation (Continued)
6-2	Unless previously approved by the City Engineer, no construction access shall be authorized from and no construction traffic shall be permitted along Castle Rock Road and Pasado Drive, except as may be required to construct and maintain any project-related street and other improvements within and adjacent to those rights-of-way.
6-3	Construction Traffic Safety Plan. Prior to the issuance of a grading permit, the Applicant shall submit and, when deemed acceptable, the City Engineer shall approve a construction traffic mitigation plan (CTMP). The CTMP shall identify the travel and haul routes to be used by construction vehicles; the points of ingress and egress for all construction vehicles; temporary street or lane closures, temporary signage, and temporary striping; location of materials and equipment staging areas; maintenance plans to remove spilled debris from roadway surfaces; and the hours during which large construction equipment may be brought on/off the project site. The Applicant shall keep all haul routes clean and free of debris including but not limited to gravel and dirt as a result of its operations. The Applicant shall clean adjacent streets, as directed by the City Engineer, of any material which may have been spilled, tracked, or blown onto adjacent streets or areas. Hauling or transport of oversize loads will be allowed between the hours of 9:00 AM and 3:00 PM only, Monday through Friday, unless otherwise approved by the City Engineer. No hauling or transport will be allowed during nighttime hours, weekends, or federal holidays. The use of local streets shall be limited only to those that provide direct access to the destination. Haul trucks entering or exiting public streets shall at all times yield to public traffic. If hauling operations cause any damage to existing pavement, street, curb, and/or gutter along the haul route, the Applicant will be fully responsible for repairs. The repairs shall be completed to the satisfaction of the City Engineer.
6-4	Traffic Control Plan. Prior to the issuance of a grading permit, the Applicant shall submit and, when deemed acceptable, the City shall approve a traffic control plan (TCP). The TCP shall be consistent with the Southern California Chapter of the American Public Works Association's "Work Area Traffic Control Handbook" (WATCH), the California Department of Transportation's "Manual of Traffic Controls for Construction and Maintenance Work Zones," or such alternative as may be deemed acceptable by the City. The TCP shall describe the Applicant's plans to safely and efficiently maintain vehicular and non-vehicular access along local roadways throughout the construction period. If any temporary access restrictions or lane closures are proposed by the Applicant, the TCP shall delineate detour routes, the hours, duration and frequency of such restrictions, and the emergency access and safety measures that will be implemented during those closures or restrictions. The TCP can be combined with or become a part of the construction traffic safety plan and/or any other construction management plan as may be required by the City.
6-5	Shared Parking Plan. Prior to the issuance of building permits for any on-site commercial use, the Applicant shall submit and, when deemed acceptable, the Community Development Director and the City Engineer shall approve a shared parking study. The study, conducted using the Urban Land Institute's "Shared Parking" (Second Edition, 2005) unless otherwise approved by the City, shall present a quantification of on-site commercial parking needs, quantify the number of on-site parking spaces required under existing City regulations, discuss and evaluate opportunities for shared parking between on-site commercial uses, and quantify the number and type of parking spaces that need to be provided to support those commercial uses to be developed on the project site. The number, type, and location of on-site parking shall be determined by the City based, in whole or in part, by the findings of that shared parking study.
	Air Quality
7-1	The Applicant shall include as part of the real estate disclosure documentation, as required by the California Department of Real Estate for purchasers of those residential units to be constructed on the project site, the disclosure that commercial activities are proposed on the adjacent property and that the operational characteristics of those activities may include trucking, delivery, and maintenance operations involving diesel-fueled vehicles.

Table ES-3
RECOMMENDED CONDITIONS OF PROJECT APPROVAL

No.	Condition of Approval
	Noise
8-1	All residential and commercial units shall include forced air ventilation designed and installed in accordance with Title 24 of California Building Code standards.
	Public Services
9-1	Prior to the commencement of grading activities, the Applicant shall prepare and submit for review by the Los Angeles County Sheriff's Department (LACSD) a draft construction security plan outlining the activities that will be instituted by the Applicant to secure the construction site and the equipment and materials located thereupon from potential criminal incidents. The Applicant shall incorporate the recommendations of the LACSD, if any, into a final construction security plan and shall implement that plan during the construction period.
9-2	Prior to the issuance of building permits, the LACSD shall be provided the opportunity to review and comment upon building plans and the configuration of the development in order to: (1) facilitate opportunities for improved emergency access and response; (2) ensure the consideration of design strategies that facilitate public safety and police surveillance; and (3) offer specific design recommendations to enhance public safety and reduce potential demands upon police protection services.
9-3	Prior to the commencement of grading or grubbing activities, the Applicant shall prepare and submit and the Los Angeles County Fire Department (LACFD) shall review and, when deemed acceptable, approve a fire protection program and workplace standards for fire safety outlining those activities to be undertaken by the Applicant during the construction period. The Applicant shall abide by specific project-level permit conditions identified by the LACFD.
9-4	Prior to the issuance of a grading permit, the Applicant shall submit and the Los Angeles County Fire Department shall review and, when deemed acceptable, approve a fuel modification, landscape, and irrigation plan in compliance with County Very High Fire Hazard Severity Zone (Fire Zone 4) standards.
9-5	Prior to the issuance of building permits, the Los Angeles County Fire Department (LACFD) will review and, when deemed acceptable, approve (1) final water improvement plans including, but not limited to, the location, sizing, design, and fire flow capacity of the proposed water mains and fire hydrants and proposed access improvements to ensure compliance with applicable Fire Code requirements; and (2) building plans. The project's water system shall be designed in response to final fire flow requirements identified by the LACFD.
9-6	Prior to the issuance of a grading permit, the Applicant shall submit to the Building Official for review and approval a temporary fencing and signage plan designed to discourage access to any active construction areas by children and other unauthorized parties.
9-7	Prior to the issuance of building permits, the Applicant shall present the City with a certificate of compliance or other documentation demonstrating that the Applicant has complied with the Walnut Valley Unified School District's School Board resolutions governing the payment of school impact fees or has entered into an Assembly Bill 2926 authorized school fee mitigation agreement or is not subject to the school impact fee exaction.
9-8	Prior to the approval of the final subdivision map, unless an alternative milestone event or other manner of fulfillment of the Applicant's obligations under Section 21.32.040 (Park Land Dedications and Fees) in Chapter 21.32 (Subdivisions) of the Municipal Code is first approved by the City Council, the Applicant shall provide the City with an in-lieu park fee payment in the manner and in the amount authorized thereunder.

Table ES-3
RECOMMENDED CONDITIONS OF PROJECT APPROVAL

No.	Condition of Approval
	Utilities and Service Systems
10-1	Prior to the issuance of any grading permits, a sewer area study, prepared by a licensed civil engineer registered in the State of California, shall be submitted to the City Engineer and to the Los Angeles County Department of Public Works (LACDPW) for review and, when deemed acceptable, for approval. The sewer area study shall include sewer flow monitoring at specific locations to be determined by the City Engineer and the LACDPW. The sewer flow analysis shall include calculations for the quantities of sewer flow for the pre-development and post-development conditions and determine the impact on all affected City and County-operated sewerage facilities. Should project-related sewer flows be determined to impact the sewer capacity downstream from the proposed development, the Applicant shall be required to mitigate any potential capacity deficiency by a method approved by the City Engineer or the LACDPW, subject to appropriate jurisdictional authorities. The Applicant shall be responsible for all costs required to mitigate the potential capacity deficiency, including upgrading existing sewer mains.
	Aesthetics
12-1	The specific plan shall include design details, acceptable to both the City Engineer and to the Community Development Director, for all proposed retaining walls. Retaining wall plans shall include landscape and irrigation details sufficient to ensure that each of those elements are, as appropriate, integrated into wall design and that the interrelationship between those elements are considered from structural integrity and aesthetic viewpoints.

Table ES-2
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Biological Resources		
5-1	Jurisdictional Features. In order to reduce impacts to United States Army Corps of Engineers and Regional Water Quality Control Board (ACOE/RWQCB) and California Department of Fish and Game (CDFG) jurisdictional waters, prior to the issuance of a grading permit, the Applicant shall demonstrate, to the satisfaction of the Community Development Director, receipt of any discretionary permits and approval as may be required from the ACOE, RWQCB, and CDFG and commit to the provision of compensatory jurisdictional resources meeting or exceeding the following minimal standards: (1) the on-site and/or off-site replacement of ACOE/RWQCB jurisdictional waters and wetlands at a 2:1 ratio; (2) the on-site and/or off-site replacement of CDFG jurisdictional streambed and associated riparian habitat at a 2:1 ratio; and (3) the incorporation of design features into the proposed project's design and development.	Community Development Director	Issuance of Grading Permits
	Traffic and Circulation		
6-1	Prior to the recordation of the final tract map, the Applicant shall provide, to the satisfaction of the City Engineer, the intersection improvements identified in the traffic impact analysis or provide a "fair-share" contribution toward the cost of the improvements to the following intersections: (1) Brea Canyon Road (W) at Pathfinder Road; (2) Diamond Bar Boulevard at Pathfinder Road; (3) Brea Canyon Road at Cold Spring Lane; (4) Diamond Bar Boulevard at Cold Spring Lane; (5) Pathfinder Road at Brea Canyon Cutoff; (6) SR-57 SB Ramps at Brea Canyon Cutoff Road; (7) SR-57 NB Ramps at Brea Canyon Cutoff/Diamond Bar Boulevard; (8) Brea Canyon Road at Diamond Bar Boulevard; (9) Cherrydale Drive at Diamond Bar Boulevard; (10) Brea Canyon Road at Silver Bullet Drive; (11) Diamond Bar Boulevard at Grand Avenue; and (12) Colima Road at Brea Canyon Cutoff.	City Engineer	Final Tract Map Recordation
6-2	The final site plan shall include and accommodate those traffic measures, improvements, and such other pertinent factors and/or facilities as may be identified by the City Engineer to ensure the safe and efficient movement of project-related traffic.	City Engineer	Site Plan Approval
	Air Quality		
7-1	All non-residential paints shall contain no more than 0.22 pound/gallon (100 gram/liter) of volatile organic compound (VOC).	Community Development Director	Building Permit Issuance
7-2	The Applicant shall abide by any other air pollution reduction measures as may be approved by the City of Diamond Bar and/or by the South Coast Air Quality Management District.		Building Permit Issuance
7-3	Traffic lane improvements and signalization, as outlined in the traffic study, shall be implemented and will generally improve local traffic flow, thereby reducing emissions created in the project area.	City Engineer	Building Permit Issuance
7-4	To encourage the use of mass transportation, the Applicant shall place bus stop shelters at any bus stops situated or to be situated along any site frontage routes if not already so equipped.		Building Permit Issuance

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

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

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

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

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

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

Attachment 4

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("Memorandum") is executed as of July 1, 2007 by and between the City of Diamond Bar, California, a municipal corporation ("City") and the Walnut Valley Unified School District, a unified school district organized under the California Education Code ("District"), hereinafter together occasionally referred to as "the parties."

RECITALS

A. District owns an undeveloped parcel of real property within the territorial limits of City ("School Property"), and legally described in Exhibit A-1 and depicted in Exhibit A-2 attached hereto and incorporated herein by reference. District has found the School Property to be unnecessary for future school use and has declared it surplus property.

B. City owns an approximate .93 acre undeveloped parcel of real property immediately adjacent to the School Property ("City Property"), legally described in Exhibit A-3 and depicted in Exhibit A-4, attached hereto and incorporated herein by reference.

C. District desires the disposition of the School Property to yield the maximum return to the District for the benefit of its constituents and its educational mission. City desires that the School Property and City Property (collectively referred to hereinafter as "Site D") be developed in a manner as to assure compatibility with and to meet the needs of the surrounding area, to provide a desirable level of sales tax revenues to the City. The legal description of Site D is described in Exhibit A-5 and depicted in Exhibit A-6, attached hereto and incorporated herein by reference.

D. In light of the foregoing, the parties desire to cooperate and collaborate in the planning of the future land use and zoning designations for Site D in order that District and City may each advance its respective objectives for the disposition of the property.

NOW THEREFORE, in consideration of the foregoing, City and District hereby agree as follows:

1. Preparation of Specific Plan.

   1.1 City agrees to engage the services of TRG Land, Inc. to prepare a specific plan for Site D in accordance with California Government Code sections 65450 through 65457, pursuant to its proposal dated June 6, 2007, and to advance the cost of preparation of the specific plan.

   1.2 District shall reimburse City the cost of preparation of the specific plan upon sale of Site D, the reimbursement to be paid through escrow, from the proceeds of the sale. The reimbursement shall consist of the final direct cost of TRG Land Inc.'s services, the additional cost of associated consulting services provided by TRG's subconsultants and others for civil engineering, geotechnical engineering and environmental services, plus an administrative overhead charge of five percent (5%) of the total of the foregoing reflecting City staff time and public hearing expenses. Total reimbursement pursuant to this paragraph shall not exceed the sum of Two Hundred Ninety-Four Thousand Four Hundred Ninety-five Dollars and 45/100 ($294,495.45)

absent written consent of District, which consent shall not be unreasonably denied or delayed. The not to exceed costs of TRG Land, Inc. and its subconsultants for the services to be rendered under this Memorandum are attached hereto as Exhibit B and incorporated herein by this reference.

1.3 The specific plan will include a mix of residential and commercial uses as more specifically described in the agreement for services between City and TRG Land, Inc based upon a mutually agreed upon site map such as is attached hereto as Exhibit C and incorporated herein by this reference. Of the usable acreage on Site D, a minimum of fifty percent (50%) will be designated for residential development, and fifty percent (50%) will be designated for commercial use, exclusive of necessary infrastructure. Should the specific plan adopted by City provide for less residential development than the minimum described above, District may, at its sole discretion, elect to be released from the reimbursement obligation set forth in paragraph 1.2 above, and upon such election shall have no further obligations under this Memorandum.

2. Consideration of Specific Plan by City.

2.1 City agrees to present the specific plan prepared pursuant to Paragraph 1 to its Planning Commission and City Council for consideration. Nothing herein, however, constitutes a commitment or guaranty that City will adopt the specific plan. City reserves all of its police powers relative to consideration of the specific plan, and City's Planning Commission and City Council retain the discretion to take any such action each deems appropriate with respect to the specific plan. Nothing contained herein shall be deemed to limit, restrict, amend or modify, nor to constitute a waiver or release of, the discretion vested in the City by its Municipal Code to make independent judgments, findings and decisions with regard to the approval or disapproval of the specific plan.

2.2 City agrees to use best efforts, subject to force mejeure events beyond its control, to process the specific plan and related entitlements in accordance with the schedule attached hereto as Exhibit D and incorporated herein by this reference thereto.

3. Sale of Site D by District/City.

3.1 Upon City's approval of the specific plan for the development of Site D, District agrees to use its best efforts to sell the School Property as entitled by the City for the fair market value, in accordance with the provisions of California Education Code commencing with section 17455. City agrees to use its best efforts to sell the City Property for the fair market value. The parties agree to cooperatively work with each other to coordinate the sale of Site D.

3.3 In the event District and/or City fails to receive a responsive bid for either the residential or commercial components of Site D, as applicable, within thirty (30) days following the date in which no responsive bid has been received, the parties agree to meet in good faith to identify mutually acceptable option(s) to sell Site D.

4. Term.

This Memorandum shall commence on July 1, 2007 and remain in effect until the actions contemplated herein have been fully consummated Notwithstanding, the parties agree, subject to force mejeure events beyond the reasonable control of the parties, that should the specific plan for Site D not be approved by City within eighteen (18) months from the date and year first written above consistent with the schedule attached as Exhibit D, either party may terminate this Memorandum upon providing written notice to the other party. In the event this Memorandum is terminated pursuant to this paragraph 4, District shall be released from the reimbursement obligation set forth in paragraph 1.2 above.

5. Binding Effect.

This Memorandum is binding on the parties in accordance with its terms. The parties signing below represent and warrant that they have the legal authority to bind the party for whom they are signing.

6. Indemnity.

Each party agrees to indemnify, defend, and hold harmless the other party, its officers, agents and employees from any and all liabilities, claims, or losses of any nature, including reasonable attorneys' fees and costs of suit, to the extent caused by, arising out of, or in connection with, the indemnifying party's negligent or wrongful acts or omissions arising from its respective activities pursuant to this Memorandum.

7. Governing Law.

This Agreement shall be governed by the laws of the State of California.

8. Notices.

All notices permitted or required under this Memorandum shall be in writing, and shall be deemed made when delivered to the applicable party at the following addresses either by first class mail postage prepaid, facsimile or personal delivery:

If to City:

City of Diamond Bar
21825 E. Copley Drive
Diamond Bar, CA 91765
Attention: City Manager

If to District:

Walnut Valley Unified School District
880 South Lemon Avenue
Walnut, CA 91789
Attention: Superintendent

9. Entire Agreement

This Memorandum represents the entire integrated agreement between the parties and supersedes all prior negotiations, representations or agreements, written or oral, regarding the joint program provided for herein. This Memorandum may be amended only by a written instrument signed by the parties.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Understanding as of the date and year first written above.

Dated: JUNE 20 ,2007

CITY OF DIAMOND BAR

By: _____
James DeStefano
City Manager

WALNUT VALLY UNIFIED SCHOOL DISTRICT

Dated: _____,2007

By: _____
Kent L. Bechler, Ph.D.
Superintendent

EXHIBIT A-1

LEGAL DESCRIPTION OF SCHOOL PROPERTY

THE LAND REFERRED TO HEREIN IS SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

THAT PORTION OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 9 WEST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHEASTERLY LINE OF LOT 76 (BREA CANYON CHANNEL) OF TRACT 27577, AS PER MAP RECORDED IN BOOK 702,PAGES 22 TO 25 INCLUSIVE OF MAPS, RECORDS OF SAID COUNTY, DISTANT THEREON NORTH 30°41' 18" EAST 245.38 FEET FROM THE SOUTHWESTERLY TERMINUS OF THAT CERTAIN COURSE SHOWN ON SAID MAP AS HAVING A BEARING AND DISTANCE OF NORTH 30°41'18" EAST 745.38 FEET; THENCE SOUTH 59°18'42" EAST 235.80 FEET; THENCE SOUTH 71°00'13" EAST 580.00 FEET; THENCE SOUTH 34°00'00" EAST, 120.00 FEET; THENCE NORTH 56°00'00" EAST 340.00 FEET; THENCE NORTH 48°00'00" EAST 980.00 FEET; THENCE NORTH 28°07'43"WEST 570.00 FEET TO A POINT IN THE SOUTHEASTERLY LINE OF DIAMOND BAR BOULEVARD, AS SHOWN ON MAP OF TRACT 25991, AS PER MAP RECORDED IN BOOK 702 PAGES 16 TO 21 INCLUSIVE OF MAPS, RECORDS OF SAID COUNTY; SAID POINT BEING ON A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 2050.00 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 28°07'43" EAST; THENCE SOUTHWESTERLY ALONG SAID CURVE, ALONG THE SOUTHEASTERLY LINE OF SAID DIAMOND BAR BOULEVARD; THROUGH A CENTRAL ANGLE OF 4°11'33" AN ARC DISTANCE OF 150.00 FEET; THENCE TANGENT TO SAID LAST MENTIONED CURVE, ALONG THE SOUTHEASTERLY LINE OF SAID DIAMOND BAR BOULEVARD SOUTH 66°03'50" WEST 875.89 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 1050.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE, ALONG THE SOUTHEASTERLY LINE OF SAID DIAMOND BAR BOULEVARD, THROUGH A CENTRAL ANGLE OF 20°50'10" AN ARC DISTANCE OF 381.83 FEET TO THE NORTHEAST CORNER OF SAID LOT 76; THENCE SOUTH 30°41'18" WEST, ALONG THE SOUTHEASTERLY LINE OF SAID LOT 76, 500.00 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PORTION OF SAID SECTION 29 DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHEASTERLY LINE OF LOT 76 OF TRACT 27577, AS PER MAP RECORDED IN BOOK 702 PAGES 22 TO 25 INCLUSIVE OF MAPS, RECORDS OF SAID COUNTY, DISTANT THEREON NORTH 30°41'18" EAST 259.67 FEET FROM THE SOUTHWESTERLY TERMINUS OF THAT CERTAIN COURSE HAVING A BEARING OF NORTH 30°41'18" EAST AND A DISTANCE OF 745.38 FEET; THENCE CONTINUING ALONG

THE SOUTHEASTERLY LINE OF SAID LOT 76, NORTH 30°41'18" EAST 485.71 FEET TO THE SOUTHERLY LINE OF DIAMOND BAR BOULEVARD, AS SHOWN ON MAP OF SAID TRACT 27577; SAID SOUTHERLY LINE BEING A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 1050.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 4°21'50" AN ARC DISTANCE OF 79.97 FEET; THENCE SOUTH 30°41'18" WEST 527.99 FEET TO A LINE THAT BEARS SOUTH 63°26'06" EAST FROM THE POINT OF BEGINNING; THENCE NORTH 63°26'06" WEST 64.82 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT THEREFROM SAID LAND ALL OIL, GAS AND OTHER HYDROCARBONS AND MINERALS NOW OR AT ANY TIME HEREAFTER SITUATED THEREIN OR THEREUNDER OR PRODUCIBLE THEREFROM, TOGETHER WITH THE FREE AND UNLIMITED RIGHT TO MINE, STORE, DRILL AND BORE BENEATH THE SURFACE OF SAID LAND AT ANY LEVEL OR LEVELS 500 FEET OR MORE BELOW THE SURFACE OF SAID LAND FOR THE PURPOSE OF DEVELOPING OR REMOVAL OF SUCH SUBSTANCES, PROVIDED THAT THE SURFACE OPENING OF SUCH WELL AND ALL OTHER SURFACE FACILITIES SHALL BE LOCATED ON LAND OTHER THAN DESCRIBED HEREIN, AND SHALL NOT PENETRATE ANY PART OF PORTION OF THE ABOVE DESCRIBED REAL PROPERTY WITHIN 500 FEET OF THE SURFACE THEREOF, AND ALL OF THE RIGHTS SO TO REMOVE SUCH SUBSTANCES ARE HEREBY SPECIFICALLY RESERVED, INCLUDING THE RIGHT TO DRILL FOR, PRODUCE AND USE WATER FROM SAID REAL PROPERTY IN CONNECTION WITH SUCH OPERATIONS, AS EXCEPTED AND RESERVED BY TRANSAMERICA DEVELOPMENT COMPANY, A CORPORATION WHICH ACQUIRED TITLE AS CAPITAL COMPANY, A CORPORATION, IN DEED RECORDED AUGUST 12, 1964 AS INSTRUMENT NO. 1401.

PARCEL 2:

THAT PORTION OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 9 WEST, SAN BERNARDINO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHEASTERLY LINE OF LOT 76 OF TRACT 27577, AS PER MAP RECORDED IN BOOK 702, PAGES 22 TO 25, INCLUSIVE OF MAPS, RECORDS OF SAID COUNTY, DISTANT THEREON NORTH 30°41'18" EAST 259.67 FEET FROM THE SOUTHWESTERLY TERMINUS OF THAT CERTAIN COURSE HAVING A BEARING OF NORTH 30°41'18" EAST AND A DISTANCE OF 745.38 FEET; THENCE CONTINUING ALONG THE SOUTHEASTERLY LINE OF SAID LOT 76, NORTH 30°41'18" EAST, 485.71 FEET TO THE SOUTHERLY LINE OF DIAMOND BAR BOULEVARD, AS SHOWN ON MAP OF SAID TRACT 27577, SAID SOUTHERLY LINE) BEING A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 1050.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH CENTRAL ANGLE OF 4°41'50" AN ARC DISTANCE OF 79.97 FEET; THENCE SOUTH 30°41'18" WEST 527.99 FEET TO A LINE THAT BEARS SOUTH 63°26'06" EAST FROM THE POINT OF BEGINNING; THENCE NORTH 63°26'06" WEST 64.82 FEET TO THE POINT OF BEGINNING.

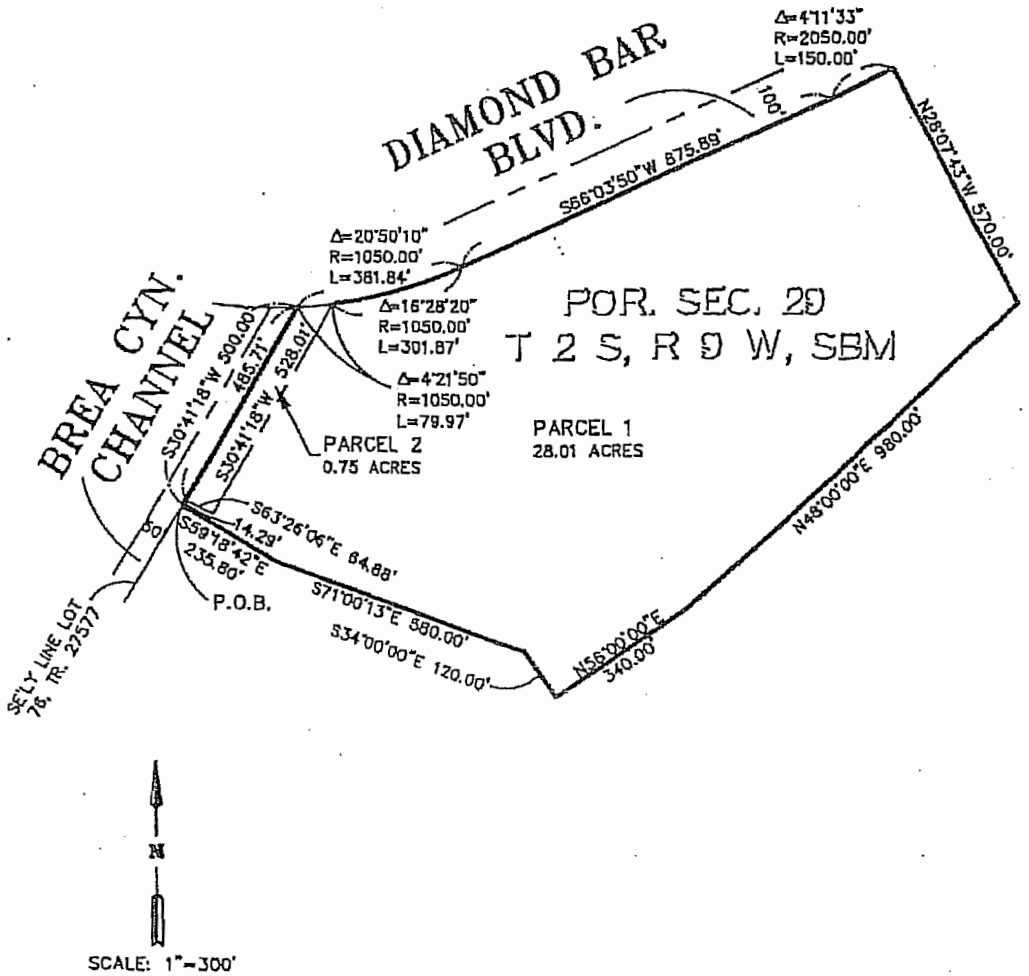
EXCEPT THEREFROM ALL OIL, GAS AND OTHER HYDROCARBONS AND MINERALS NOW OR AT ANY TIME HEREAFTER SITUATED THEREIN OR THEREUNDER, TOGETHER WITH THE EXCLUSIVE RIGHT TO DRILL FOR, PRODUCE, EXTRACT, TAKE AND MINE THEREFROM SUCH OIL, GAS AND OTHER HYDROCARBONS AND MINERALS AND TO STORE THE SAME UPON THE SURFACE OF SAID LAND; TOGETHER WITH THE RIGHT TO STORE UPON THE SURFACE OF SAID LAND, OIL, GAS AND OTHER HYDROCARBONS AND MINERALS WHICH MAY BE PRODUCED FROM OTHER LANDS, WITH THE RIGHT OF ENTRY THEREON FOR SAID PURPOSES, AND WITH THE RIGHT TO CONSTRUCT, USE, MAINTAIN, ERECT, REPAIR, REPLACE AND REMOVE THEREON AND THEREFROM, ALL PIPE LINES, TELEPHONE AND TELEGRAPH LINES, TANKS, MACHINERY, BUILDINGS AND OTHER STRUCTURES WHICH MAY BE NECESSARY AND REQUISITE TO CARRY ON OPERATIONS ON SAID LAND, WITH THE FURTHER RIGHT TO ERECT, MAINTAIN, OPERATE AND REMOVE A PLANT, WITH ALL NECESSARY APPURTENANCES FOR THE EXTRACTION OF GASOLINE FROM GAS, INCLUDING ALL RIGHTS NECESSARY OR CONVENIENT THERETO, AS EXCEPTED AND RESERVED IN THE DEED FROM TRANSAMERICA DEVELOPMENT COMPANY, A CORPORATION, RECORDED MARCH 29, 1968 AS INSTRUMENT NO. 2456, IN BOOK D3955 PAGE 185, OFFICIAL RECORDS AND RE-RECORDED JUNE 19, 1969 AS INSTRUMENT NO. 1776 IN BOOK D4407 PAGE 591, OFFICIAL RECORDS.

SAID INTEREST WAS CONVEYED TO TRANSAMERICA MINERALS COMPANY, A CALIFORNIA CORPORATION, BY DEED RECORDED JUNE 20, 1985 AS INSTRUMENT NO. 85-74005.

AN INSTRUMENT PURPORTEDLY QUITCLAIMING, RELEASING AND SURRENDERING ONLY THE SURFACE RIGHTS TO A DEPTH OF 500 FEET AND PROVIDING FOR REMOVAL OF ALL GAS, MINERALS AND HYDROCARBONS BELOW SAID DEPTH AS CONVEYED TO TRANSAMERICA DEVELOPMENT COMPANY, A CALIFORNIA CORPORATION BY DEED RECORDED JANUARY 5, 1987 AS INSTRUMENT NO. 87-10522.

EXHIBIT A-2

MAP OF SCHOOL PROPERTY



PENCO ENGINEERING, INC. ONE TECHNOLOGY PARK J-725, IRVINE, CA. 92618 (949) 753-8111

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EXHIBIT A-3

LEGAL DESCRIPTION OF CITY PROPERTY

THE LEGAL DESCRIPTION OF THE PROPERTY IS:

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THAT PORTION OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 9 WEST, SAN BERNARDINO MERIDIAN COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER RECORD OF SURVEY, FILED IN BOOK 76 PAGES 51 THROUGH 56 INCLUSIVE OF RECORD OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

BEING DESCRIBED AS FOLLOWS:

THAT AREA SHOWN AS "NOT A PART OF THIS SUBDIVISION ON THE MAP OF TRACT NO. 27577, AS PER MAP RECORDED IN BOOK 702 PAGES 22 THROUGH 25 INCLUSIVE OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

SAID AREA BEING BOUNDED ON THE NORTHWEST BY SOUTHEASTERLY LINE OF BREA CANYON ROAD, AS SHOWN ON MAP OF SAID TRACT 27577; BOUNDED ON THE NORTH BY THE SOUTHERLY LINE OF DIAMOND BAR BOULEVARD, AS SHOWN ON MAP OF SAID TRACT NO. 27577; BOUNDED ON THE SOUTHEAST BY THE NORTHWESTERLY LINE OF LOT 76, AS SHOWN ON MAP OF SAID TRACT NO. 27577; BOUNDED ON THE SOUTHWEST BY THE NORTHEASTERLY LINE OF LOT 39, THE NORTHERLY TERMINUS OF CASTLE ROCK ROAD, AND THE NORTHERLY LINE OF TEN (10) FOOT WALK, ALL BEING SHOWN ON MAP OF SAID TRACT NO. 27577.

EXCEPT THEREFROM ALL OIL, GAS, MINERALS, AND OTHER HYDROCARBON SUBSTANCES LYING BELOW THE SURFACE OF SAID LAND, BUT WITH NO RIGHT OF SURFACE ENTRY, AS PROVIDED IN DEEDS OF RECORD.

EXHIBIT A-4

MAP OF CITY PROPERTY

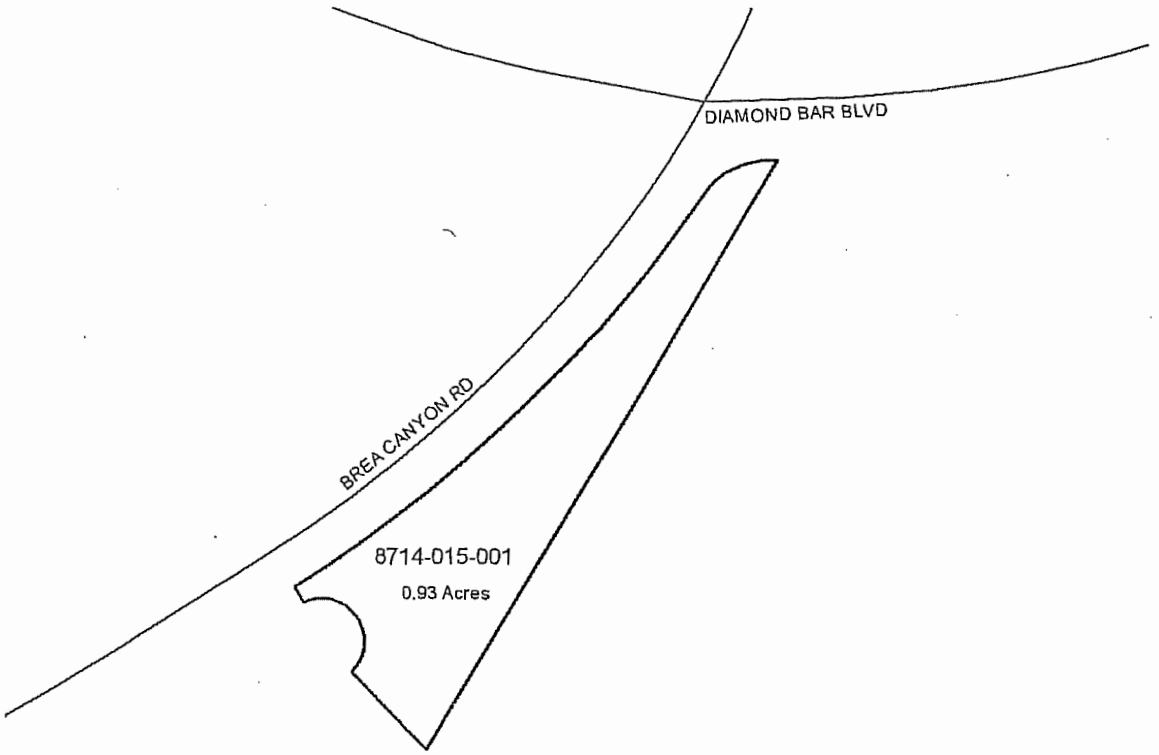


EXHIBIT A-5

LEGAL DESCRIPTION OF SITE D

EXHIBIT A-6

MAP OF SITE D

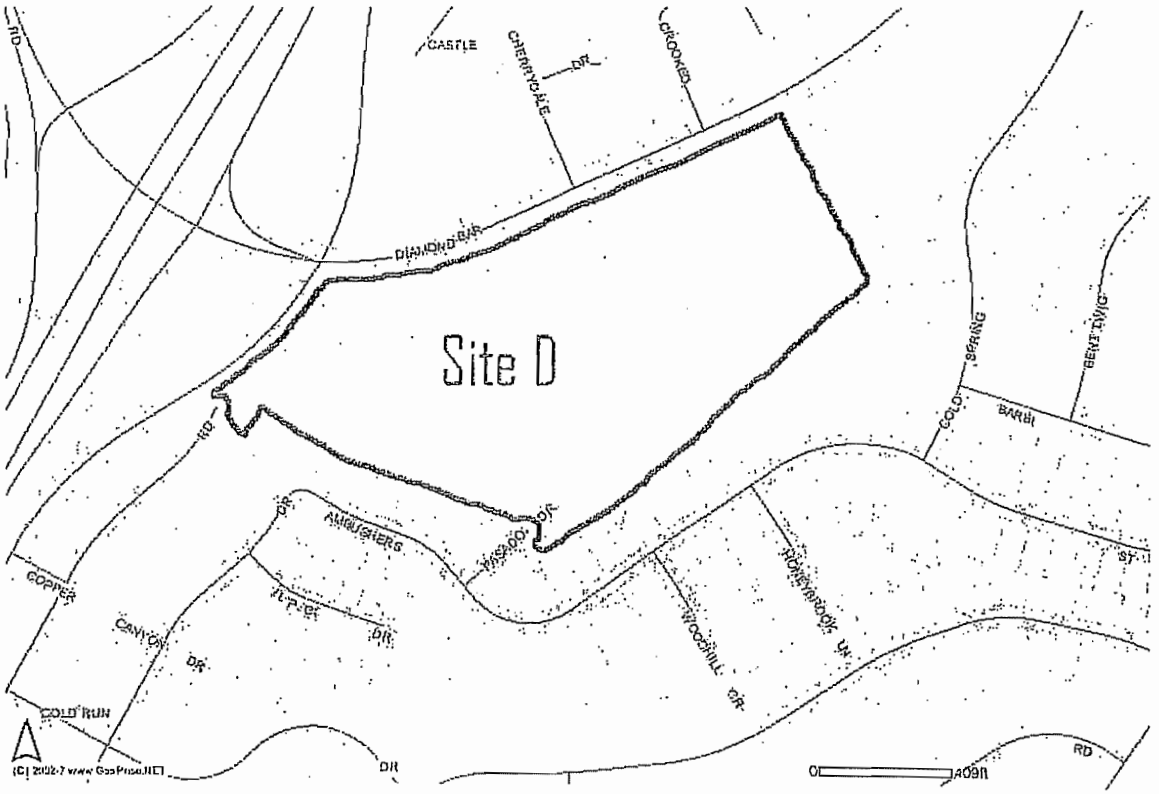


EXHIBIT B

SITE D COSTS AND MILESTONES

Site 'D' Costs and Milestones

13-Jun-07

Costs

	Services	Reimbursables	Total
TRG Land	$67,340.00	$3,000.00	$70,340.00
PENCO Engineering	$47,008.00	$4,701.00	$51,709.00
KFM Geoscience	$26,500.00		$26,500.00
Environmental Impact Sciences	$66,970.00		$66,970.00
Linscott, Law & Greenspan engineers	$40,400.00		$40,400.00
PCR	$24,990.00		$24,990.00
Total	$248,218.00	$7,701.00	$280,909.00

Milestones

Phase I	
	Team Meeting
	EIR Administrative Draft Initial Study / Obtain signature on NOP
	Begin 30 day comment period
	Preliminary Specific Plan Outline
	Preliminary Grading Plan
	Preliminary Review of available Geotechnical Reports
	Geotechnical Field Investigation and Laboratory Testing
	Traffic Count Study
	Preliminary Review and Sensitive Habitat Assessment
	Begin Biological Field Investigation
	Preliminary Hydrology / Drainage
	Team Meeting

Phase II

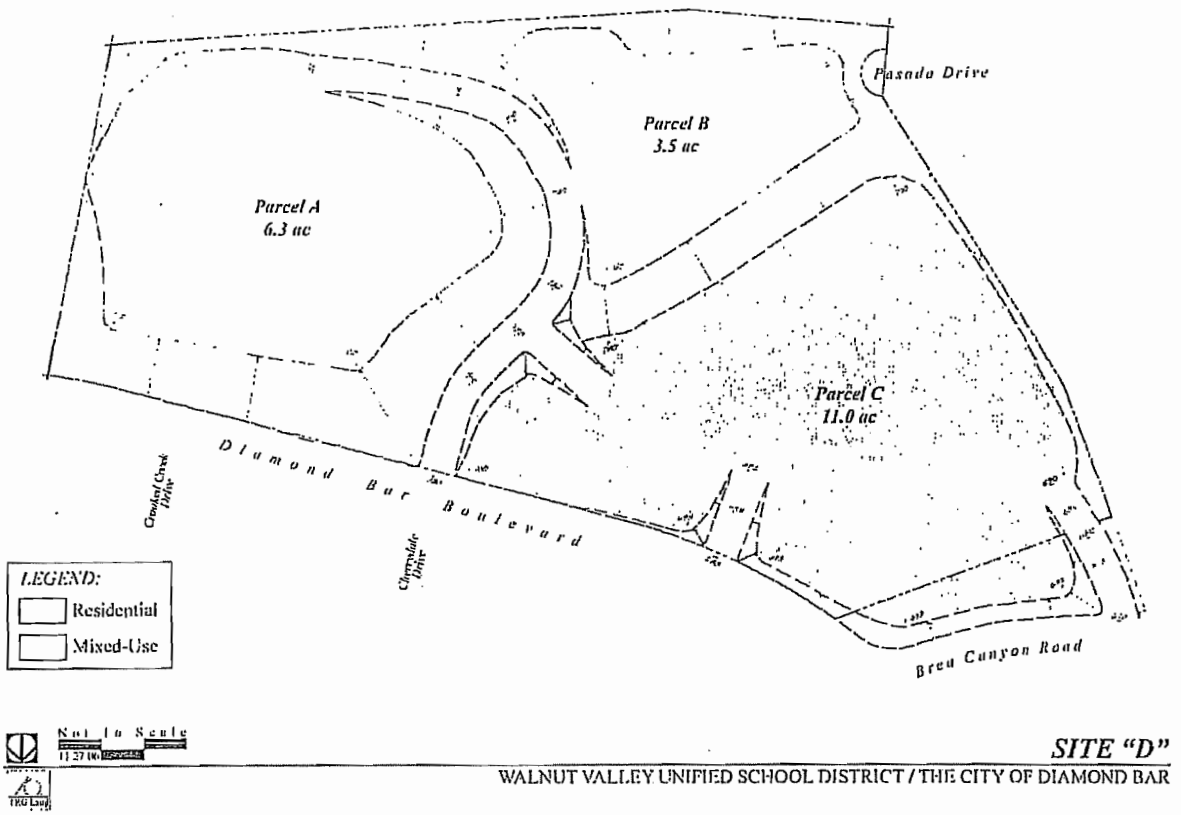
	EIR Technical Studies Administrative Draft EIR Finalize Site Plan and Grading Begin Draft Specific Plan and Graphics Begin Draft Geotechnical Report Begin Draft Screencheck Traffic Report Finish Biological Field Survey Prepare Biological Resource Report Begin Tract Map Prepare Water Quality Report Team Meeting

Phase III	
	Draft EIR 45 Day Comment Period Finalize Specific Plan Finalize Tentative Tract Map Preliminary Cost Estimates for Land Improvements Finalize Evaluation of Geotechnical Constraints Final Environmental Impact Report Team Meeting

Phase IV	
	Planning Commission Hearings City Council Hearings

EXHIBIT C

SITE MAP



Not to Scale

SITE "D"

WALNUT VALLEY UNIFIED SCHOOL DISTRICT / THE CITY OF DIAMOND BAR

EXHIBIT D

SITE D PROJECT SCHEDULE

Attachment 7

TABLE 11-1

YEAR 2007 SUMMARY OF RECOMMENDED IMPROVEMENTS AND COST ESTIMATES

Key Intersection	Improvement Description	Preliminary Cost Estimate
12. Pathfinder Road at Brea Canyon Cutoff Road	Widen and/or re-stripe eastbound Brea Canyon Cutoff Road to provide one left-turn lane, two through lanes and a separate right-turn lane. The implementation of this improvement may require some modification to existing traffic signal equipment (i.e. re-cut/install new vehicle loop detectors, modification to traffic signal controller).	$357,813.00
14. SR-57 SB Ramps at Brea Canyon Cutoff Road/Diamond Bar Boulevard	Install traffic signal. The implementation of this improvement may require some modification to existing signing and striping on Brea Canyon Cut-off or SR-57 SB ramps[32].	$228,125.00
17. Cherrydale Drive at Diamond Bar Boulevard	Provide an option left/through lane and a separate right-turn lane on the northbound approach; re-stripe southbound approach to provide an option left/through/right-turn lane on Cherrydale. Widen eastbound approach to provide a separate right-turn lane. Modify median and restripe Diamond Bar Boulevard to provided dual westbound left-turn lanes. Install traffic signal. The implementation of this improvement may require some modification to existing signing and striping on Cherrydale Drive or Diamond Bar Boulevard[31].	$308,250.00
	Total Costs of Year 2007 Improvements	**$894,188.00**

32 *Appendix D* contains traffic signal warrant worksheets for this intersection.

TABLE 11-2

YEAR 2010 SUMMARY OF RECOMMENDED IMPROVEMENTS AND COST ESTIMATES

Key Intersection	Improvement Description	Preliminary Cost Estimate
1. Brea Canyon Road (West) at Pathfinder Road	Widen and/or re-stripe Pathfinder to provide a second eastbound left-turn lane and a second westbound right-turn lane. The implementation of this improvement may require some modification to the existing traffic signal equipment (i.e. re-cut/install new vehicle loop detectors, modification to traffic signal controller.	$280,750.00
5. Diamond Bar Boulevard at Pathfinder Road	Re-stripe northbound approach and departure on Diamond Bar Boulevard to provide a third through lane, and re-stripe existing bike lane as necessary. Widen and re-stripe southbound approach and departure on Diamond Bar Boulevard to provide a second right-turn lane and a third through lane. The implementation of this improvement may require some modification to existing traffic signal equipment (i.e. re-cut/install new vehicle loop detectors, modification to traffic signal controller), as well as the termination of the existing bike lane.	$572,575.00
12. Pathfinder Road at Brea Canyon Cutoff Road	Widen and/or re-stripe Pathfinder Road to provide separate northbound and southbound right-turn lanes. Widen and/or re-stripe Brea Canyon Cutoff Road to provide two eastbound and westbound through lanes and a separate eastbound right-turn lane. The implementation of this improvement may require some modification to existing traffic signal equipment (i.e. re-cut/install new vehicle loop detectors, modification to traffic signal controller).	$729,688.00
14. SR-57 SB Ramps at Brea Canyon Cutoff Road/Diamond Bar Boulevard	Same at Year 2007 improvements. Install traffic signal. The implementation of this improvement may require some modification to existing signing and striping on Brea Canyon Cut-off or SR-57 SB ramps[33].	$228,125.00
16. Brea Canyon Road at Diamond Bar Boulevard	Widen and/or re-stripe northbound approach on Brea Canyon Road to provide a second right-turn lane. Widen and/or re-stripe eastbound approach and departure on Diamond Bar Boulevard to a third through lane. Re-stripe westbound approach on Diamond Bar Boulevard to provide a second left-turn lane. The implementation of this improvement may require some modification to existing traffic signal equipment (i.e. re-cut/install new vehicle loop detectors, modification to traffic signal controller), as well as the termination of the existing bike lane.	$684,125.00
	Subtotal	**$2,495,263.00**

[33] *Appendix D* contains traffic signal warrant worksheets for this intersection.

TABLE 11-2 (CONTINUED)

YEAR 2010 SUMMARY OF RECOMMENDED IMPROVEMENTS AND COST ESTIMATES

Key Intersection	Improvement Description	Preliminary Cost Estimate
17. Cherrydale Drive at Diamond Bar Boulevard	Same at Year 2007 improvements. Provide an option left/through lane and a separate right-turn lane on the northbound approach; re-stripe southbound approach to provide an option left/through/right-turn lane on Cherrydale. Widen eastbound approach to provide a separate right-turn lane. Modify median and restripe Diamond Bar Boulevard to provided dual westbound left-turn lanes. Install traffic signal. The implementation of this improvement may require some modification to existing signing and striping on Cherrydale Drive or Diamond Bar Boulevard[34].	$308,250.00
18. Brea Canyon Road at Silver Bullet Drive	Re-stripe northbound approach/departure and southbound approach/departure on Brea Canyon Road to provide a second through lane. The implementation of this improvement may require some modification to existing traffic signal equipment (i.e. re-cut/install new vehicle loop detectors, modification to traffic signal controller).	$37,500.00
19. Diamond Bar Boulevard at Grand Avenue	Widen and re-stripe northbound, southbound, eastbound and westbound approaches to provide 2 left-turn lanes, 3 through lanes, and 1 right-turn lane. The implementation of this improvement may require some modification to existing traffic signal equipment (i.e. re-cut/install new vehicle loop detectors, modification to traffic signal controller).	$1,509,625.00
20. Colima Road at Brea Canyon Cutoff Road	Widen and/or re-stripe Brea Canyon Cutoff Road to provide a separate right-turn lanes. The implementation of this improvement may require some modification to existing traffic signal equipment (i.e. re-cut/install new vehicle loop detectors, modification to traffic signal controller).	$500,000.00
	Subtotal	**$2,355,375.00**
	Total Costs of Year 2010 Improvements	**$4,850,638.00**

[34] *Appendix D* contains traffic signal warrant worksheets for this intersection.

TABLE 11-3

YEAR 2030 SUMMARY OF RECOMMENDED IMPROVEMENTS AND COST ESTIMATES

Key Intersection	Improvement Description	Preliminary Cost Estimate
1. Brea Canyon Road (West) at Pathfinder Road	Similar to Year 2010 Improvements, widen and/or re-stripe Pathfinder to provide a second eastbound left-turn lane and a second westbound right-turn lane. The implementation of this improvement may require some modification to the existing traffic signal equipment (i.e. re-cut/install new vehicle loop detectors, modification to traffic signal controller.	$280,750.00
5. Diamond Bar Boulevard at Pathfinder Road	Re-stripe eastbound through lane on Pathfinder Road to provide an option left/through lane. Similar to Year 2010 Improvements, re-stripe northbound approach and departure on Diamond Bar Boulevard to provide a third through lane, and re-stripe existing bike lane as necessary. Widen and re-stripe southbound approach and departure on Diamond Bar Boulevard to provide a second right-turn lane and a third through lane. The implementation of this improvement may require some modification to existing traffic signal equipment (i.e. re-cut/install new vehicle loop detectors, modification to traffic signal controller), as well as the termination of the existing bike lane.	$591,325.00
10. Brea Canyon Road at Cold Spring Lane	Re-stripe southbound approach to provide one left-turn lane, one through lane and one right-turn lane.	$9,375.00
11. Diamond Bar Boulevard at Cold Spring Lane	Re-stripe northbound approach and departure and southbound approach and departure on Diamond Bar Boulevard to provide a third through lane. The implementation of this improvement may require some modification to existing traffic signal equipment (i.e. re-cut/install new vehicle loop detectors, modification to traffic signal controller).	$18,750.00
12. Pathfinder Road at Brea Canyon Cutoff Road	Similar to Year 2010 Improvements, widen and/or re-stripe Pathfinder Road to provide separate northbound and southbound right-turn lanes. Widen and/or re-stripe Brea Canyon Cutoff Road to provide two eastbound and westbound through lanes and a separate eastbound right-turn lane. The implementation of this improvement may require some modification to existing traffic signal equipment (i.e. re-cut/install new vehicle loop detectors, modification to traffic signal controller).	$729,688.00
14. SR-57 SB Ramps at Brea Canyon Cutoff Road/Diamond Bar Boulevard	Same at Year 2007 improvements. Install traffic signal. The implementation of this improvement may require some modification to existing signing and striping on Brea Canyon Cut-off or SR-57 SB ramps[35].	$228,125.00
	Subtotal	**$1,858,013.00**

[35] *Appendix D* contains traffic signal warrant worksheets for this intersection.

TABLE 11-3 (CONTINUED)

YEAR 2030 SUMMARY OF RECOMMENDED IMPROVEMENTS AND COST ESTIMATES

Key Intersection	Improvement Description	Preliminary Cost Estimate
15. SR-57 NB Ramps at Brea Canyon Cut-off/Diamond Bar Boulevard	Widen NB off-ramp to provide a third approach lane and stripe off-ramp to provide a northbound left-turn lane, and option left-through-right lane, and a right-turn lane. The implementation of this improvement may require some modification to existing traffic signal equipment (i.e. re-cut/install new vehicle loop detectors, modification to traffic signal controller).	$355,000.00
16. Brea Canyon Road at Diamond Bar Boulevard	Similar to Year 2010 Improvements, widen and/or re-stripe northbound approach on Brea Canyon Road to provide a second right-turn lane. Widen and/or re-stripe eastbound approach and departure on Diamond Bar Boulevard to a third through lane. Re-stripe westbound approach on Diamond Bar Boulevard to provide a second left-turn lane. The implementation of this improvement may require some modification to existing traffic signal equipment (i.e. re-cut/install new vehicle loop detectors, modification to traffic signal controller), as well as the termination of the existing bike lane.	$684,125.00
17. Cherrydale Drive at Diamond Bar Boulevard	Same at Year 2007 improvements. Provide an option left/through lane and a separate right-turn lane on the northbound approach; re-stripe southbound approach to provide an option left/through/right-turn lane on Cherrydale.. Widen and/or re-stripe eastbound approach and departure on Diamond Bar Boulevard to a third through lane and provide a separate right-turn lane. Modify median and restripe Diamond Bar Boulevard to provided dual westbound left-turn lanes. Install traffic signal. The implementation of this improvement may require some modification to existing signing and striping on Cherrydale Drive or Diamond Bar Boulevard[36].	$454,875.00
18. Brea Canyon Road at Silver Bullet Drive	Similar to Year 2010 Improvements, re-stripe northbound approach/departure and southbound approach/departure on Brea Canyon Road to provide a second through lane. The implementation of this improvement may require some modification to existing traffic signal equipment (i.e. re-cut/install new vehicle loop detectors, modification to traffic signal controller).	$37,500.00
	Subtotal	**$1,531,500.00**

[36] *Appendix D* contains traffic signal warrant worksheets for this intersection.

TABLE 11-3 (CONTINUED)

YEAR 2030 SUMMARY OF RECOMMENDED IMPROVEMENTS AND COST ESTIMATES

Key Intersection	Improvement Description	Preliminary Cost Estimate
19. Diamond Bar Boulevard at Grand Avenue	Widen and/or re-stripe southbound and eastbound approaches to provide 2 left-turn lanes, 3 through lanes and 1 right-turn lane. Widen and re-stripe eastbound to provide 2 left-turn lanes, 4 through lanes and 1 right-turn lane. Re-stripe northbound approach to provide 2 left-turn lanes, 3 through lanes, and 1 free-flow right-turn lane. Widen the eastbound departure to accommodate the northbound free-flow right-turn lane; additional ROW (11 feet) is required from the existing parking lot on the south side of Grand. The implementation of this improvement may require some modification to existing traffic signal equipment (i.e. re-cut/install new vehicle loop detectors, modification to traffic signal controller).	$2,216,500.00
20. Colima Road at Brea Canyon Cutoff Road	Widen and/or re-stripe Colima Road to provide a second left-turn lane and separate right-turn lanes. Widen and /or re-stripe Brea Canyon Cutoff Road to provide a second left-turn lane and separate right-turn lanes. The implementation of this improvement may require some modification to existing traffic signal equipment (i.e. re-cut/install new vehicle loop detectors, modification to traffic signal controller).	$1,299,375.00
	Subtotal	**$3,515,875.00**
	Total Costs of Year 2030 Improvements	**$6,905,388.00**

TABLE 12-1

YEAR 2030 PROJECT FAIR SHARE CONTRIBUTION

	Key Intersections	Time Period	(1) Project Impact	(2) Benefit of Improvements	(3) Project Fair-Share Percentage [37]	(4) Cost of Improvement	(5) Project Fair-Share Contribution
1.	Diamond Bar Boulevard at Pathfinder Road	AM PM	0.002 0.010	0.104 0.218	3.60%	$280,750.00	$10,107.00
5.	Diamond Bar Boulevard at Pathfinder Road	AM PM	0.009 0.024	0.263 0.309	5.50%	$591,325.00	$32,522.88
10.	Brea Canyon Road at Cold Springs Lane[38]	AM PM	23 60	83 156	25.80%	$9,375.00	$2,418.75
11.	Diamond Bar Boulevard at Cold Spring Lane	AM PM	0.012 0.030	0.173 0.220	9.70%	$18,750.00	$1,818.75
12.	Pathfinder Road at Brea Canyon Cutoff Road	AM PM	0.016 0.042	0.330 0.326	8.10%	$729,688.00	$59,104.73
14.	SR-57 SB Ramps at Brea Canyon Cut-off[38]	AM PM	100 233	213 377	36.10%	$228,125.00	$82,353.13
15.	SR-57 NB Ramps at Brea Canyon Cut-off	AM PM	0.017 0.073	0.099 0.141	27.30%	$355,000.00	$96,915.00
16.	Brea Canyon Road at Diamond Bar Boulevard	AM PM	0.030 0.078	0.326 0.299	14.70%	$684,125.00	$100,566.38
17.	Cherrydale Drive at Diamond Bar Boulevard	AM PM	-- --	-- --	100%	$454,875.00	$454,875.00
18.	Brea Canyon Road at Silver Bullet Drive	AM PM	0.005 0.011	0.599 0.668	1.20%	$37,500.00	$450.00
19.	Diamond Bar Boulevard at Grand Avenue	AM PM	0.008 0.020	0.289 0.390	4.00%	$2,216,500.00	$88,660.00
20.	Colima Road at Brea Canyon Cutoff Road	AM PM	0.006 0.014	0.305 0.266	3.40%	$1,299,375.00	$44,178.75
					Totals	**$6,905,388.00**	**$973,970.37**

37 Project Fair-Share% (3) = Project ICU Impact (1) ÷ ICU Benefit of Improvement (2)
Source: City of Diamond *Guidelines for the Preparation of Traffic Impact Analysis Report (dated July 2005).*

38 For this intersection, Project fair-share percentage calculated based on the following equation:
Project Fair-Share% (3) = Project Traffic (1) ÷ (Project Traffic (1) + Related Projects Traffic (2))

Attachment 8

Grace Lee

From: Greg Gubman
Sent: Tuesday, April 06, 2010 12:56 PM
To: Grace Lee
Cc: James DeStefano; David Doyle; Brad Wohlenberg; Mark Rogers; JoAnne Sturges; Peter Lewandowski
Subject: FW: Objection to "Site D Specific Plan"

Importance: High

Grace,
For distribution to the PC along with any other correspondence we receive.

Greg Gubman
(909) 839-7065

From: Stella Marquez
Sent: Tuesday, April 06, 2010 12:54 PM
To: Greg Gubman
Subject: FW: Objection to "Site D Specific Plan"
Importance: High

Stella Marquez
Senior Administrative Assistant
City of Diamond Bar
Community Development Department
21825 Copley Drive
Diamond Bar, CA 91765
phone: 909.839.7030
fax: 909.861.3117
e-mail: stella.marquez@ci.diamond-bar.ca.us

From: Judy Leung [mailto:sljleung@hotmail.com]
Sent: Tuesday, April 06, 2010 12:02 PM
To: Carol Herrera; Steve Tye; ling.ling-chang@ci.diamond-bar.ca.us; Ron Everett; Jack Tanaka; Stella Marquez
Subject: Objection to "Site D Specific Plan"
Importance: High

To the Planning Commissioners and City Counsel members,

I am writing this e-mail with deep frustration regarding the "Site D Specific Plan". First of all, I would like to express strongly my objection to the plan.

I, along with many local residents, were at the Public Hearing in the neighborhood meeting (whatever it is called) at Heritage Park last Sept/Oct. All of us there expressed our opposition to this plan. Many of us got up to the podium to express our views/opinion on our resentment to this Site D Specific Plan. Almost all of us stated our wish of having a recreational park or city facilities (such as library) on that site. We all understand that with this economy, the school district and City of Diamond Bar are looking for "financial gain" in selling the land to developer. Again, as Planning Commissioners and City Counsel members, you should not just consider the financial impact from selling the site. The

entire plan of this project should also integrate land use planning to improve the built and social environments of the communities.

Did the Planning staff take the residents' opinion in this land use planning ? Yes, alright, we have several public hearing. But there really is no "active public involvement". Have the Planning staff and the City really listened to the public's needs and preferences? I can only see more money is spent by hiring the consultant to do more so-called Environmental Impact Report to "shut off" the public's needs and preferences. Has the City of Diamond Bar provide a real opportunity for the public to make the decisions affecting their communities ? I called and talked to Grace Lee (one of the planning staff) in regard to the procedure of disapproving the project. I asked what is the percentage of residents' objection needed to stop the project to be recommended for approval. The answer from her is such criteria is not existed. Then, to my understanding, there are procedures for approval on this project but no procedure to stop the approval of the project. This approval of project, without looking into the public's needs and preferences, will certainly lower the quality of life for the communities and would be difficult to restore.

I understand if the Planning Commission approves this plan, it will go to final approval with the City Counsel members. Grace Lee stated that the public hearing is to provide a chance to express our opinions and views to these members and is up to us to convince these 8-10 members to approve or disapprove. She further stated that the Planning Commission members are appointed by the City Counsel and City Counsel members were elected by the residents. Therefore, the residents do have the final "say so" on the project. If this is the view from the City, this is a very "irresponsible" statement. When the City Counsel were elected, the project was not thrown in the table yet and how would we know the standpoint of the would-be City Counsel members. Further, how would we know the appointed Planning Commission's view on this issue. Being tax-payers and residents of the City, we are "in a sense" paying the city staff. Is the City and their staff doing the jobs **for** or **against** the residents ? You can easily know how we feel. **The "public hearing" is simply a session of "fake democracy".**

Another thing that I noticed, the public hearing notice was sent 2 weeks ago to the property owners within 1,000 foot radius from the site. First of all, the ethnicity makeup in the City is very diverse. Sending the notice in "English" only probably missing 30-40% of the "audience". It is almost impossible for the residents to gather any organized community effort within a 3 week time period to reflect our objection. I will try my very best to be present at next week public hearing if I can find child care for my kid. That also tells you not all the residents are able to show up at the meeting to express their opinion.

The main question here is how much (as residents) have to show our resentment on this project and how many residents that you need to hear from in order for you to believe our deep objection on this project and for you to make the disapproval ? I don't get an answer for that from the City staff. Does that mean this project is set for approval only since the beginning and not otherwise regardless of the public's opinion ?

The other point that I don't understand is Grace Lee mentioned that without this "Site D Specific Plan", more than 600 dwelling units can be build (and not commercial) instead of the 202 dwelling units. Please clarify what can and cannot be done with Site D Specific Plan.

Being in the Planning Commission and the City Counsel members, are you really doing your job to listen and find out the public's needs and preferences ? You can hire another ten team of consultants to do more EIR, but does that really mean the City fulfills their civil responsibilities in helping their own people? How many of you members live in the City of Diamond Bar and reflect the real needs of the communities ? I am very tired of all these red tapes. I know I probably wasting my time and effort in writing this e-mail and the turn out of this project would be exactly like the Stadium project .....regardless the residents' needs and preferences, the bottom line is money. Please do not disappoint your residents. Don't forget you get elected/appointed, because in our minds you are **FOR** the residents.

Regards,

Judy Leung
(resident of 21175 Running Branch Road, DB)

The New Busy is not the too busy. Combine all your e-mail accounts with Hotmail. Get busy.

MINUTES OF THE CITY OF DIAMOND BAR
REGULAR MEETING OF THE PLANNING COMMISSION
APRIL 13, 2010

CALL TO ORDER:

Chairman Torng called the meeting to order at 7:05 p.m. in the South Coast Air Quality Management District/Government Center Auditorium, 21865 Copley Drive, Diamond Bar, CA 91765.

PLEDGE OF ALLEGIANCE: C/Shah led the Pledge of Allegiance.

1. ROLL CALL:

Present: Commissioners Steve Nelson, Jack Shah, Vice Chairman Kathy Nolan, and Chairman Tony Torng.

Absent: Commissioner Kwang Ho Lee was excused.

Also present: Greg Gubman, Community Development Director; Brad Wohlenberg, Assistant City Attorney; Grace Lee, Senior Planner; David Alvarez, Assistant Planner; and Stella Marquez, Senior Administrative Assistant.

Consultants: Mark Rogers and JoAnne Sturges, TRG Land; Peter Lewandowski, Environmental Impact Sciences.

2. MATTERS FROM THE AUDIENCE/PUBLIC COMMENTS: None

3. APPROVAL OF AGENDA: As presented.

4. CONSENT CALENDAR:

4.1 Minutes of the Regular Meeting of March 23, 2010.

C/Nelson moved, VC/Nolan seconded, to approve the Minutes of the Regular Meeting of March 23, 2010, as presented. Motion carried by the following Roll Call vote:

AYES:	COMMISSIONERS:	Nelson, Shah, VC/Nolan, Chair/Torng
NOES:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	Lee

5. OLD BUSINESS: None

6. NEW BUSINESS: None

7. PUBLIC HEARINGS:

7.1 **Site "D" Specific Plan** – Pursuant to the Subdivision Map Act; Title 21 – City's Subdivision Ordinance; and Title 22 – Development Code Sections 22.60 and 22.70, the proposed project is to recommend approval of the following to the City Council:

General Plan Amendment No. 2007-03 – A request to change the land use designations from Public Facility (PF) and General Commercial (C-1) to Specific Plan (SP).

Zone Change No. 2007-04 – A request to change the zoning districts from Low Density Residential (RL) and Neighborhood Commercial (C-1) to Specific Plan (SP).

Specific Plan No. 2007-01 – A request to adopt the Site D Specific Plan for approximately 30.36-acre site for the construction of 202 residential dwelling units at a density of 20 units per acre; 153,985 gross square feet of commercial use at 10.35 floor area ratio; and approximately 10 acres of open space areas, easements and rights-of-way.

Tentative Tract Map No. 70687 – A request 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.

Environmental Impact Report No. 2007-02 – A request to certify the Final EIR which provides a detailed analysis of potential environmental impacts associated with the development of the Specific Plan area.

Project Address: Site 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, 8714-002,093, and 8714-015-001.)

Applicant: Walnut Valley Unified School District and City of Diamond Bar

Lead Agency: City of Diamond Bar Community Development Department

C/Nelson said he would recuse himself from deliberation on this matter because the company he works for, PCR Services Corporation provided the archaeological and biological assessments for the project and he was personally involved in the project.

Chair/Torng laid out the ground rules for the meeting protocol and public speaking.

CDD/Gubman presented staff's report and recommended that the Planning Commission open the public hearing, receive public testimony regarding the staff EIR and all land use entitlements, and continue the public hearing to the April 27, 2010, meeting.

Mark Rogers provided a history of the site and details of the proposed Site D Specific Plan that included lower level commercial stepping up to residential pads adjoining existing single-family residences. He described the planning principles that have been incorporated into the Specific Plan and supplemented his presentation with a PowerPoint presentation and display boards.

Nancy Lyons, 22536 Ridge Line Road and President, Walnut Valley Unified School District (WVUSD) Board of Directors, stated that the original intent was to develop the site as a school. At this point, the district has enough school sites with a declining number of students. WVUSD needs money instead of another school because the district has received less money every year for the past three years with a total enrollment decrease of 20 percent. This substantial decrease in income has led to drastic cuts in programs, teacher layoffs, cancellation of programs including elementary music, etc. The district hopes to get the property entitled and sell it to provide the district with additional funds. She asked the Commission to recommend City Council approval.

Chair/Torng opened the public hearing.

Donald Daneault, 3154 Castle Rock Road, asked where students living in the 200 units this project would attend school. The school district says student enrollment is declining; however, the elementary school on Castle Rock Road is overcrowded. He was very concerned about additional student drop off and pickup congestion close to his home because he finds it very difficult to get to his house under the current conditions.

John Martin, 1249 S. Diamond Bar Boulevard #432, felt that since this project was on an entrance to the City, everyone in the City should have been provided the Notice of Public Hearing. He said he did not know who had been noticed but with the number of residents present at tonight's meeting, it seemed important to him that for the next meeting that everyone in Diamond Bar should be noticed and given an opportunity to learn about the plans. This is the same plan that was presented previously as well as, a

time prior. Nothing has been changed. It is obvious to him that the City and the school district want the most money possible from the sale of this land. The best way to get money for a property is to have commercial and residential property. However, if the commercial is eliminated, the berm with the 100 year old trees is kept in place, and the homes are set back about 135 feet from the street, it would solve many problems including elimination of neon lights from the commercial area. As stated in the report, the purpose of commercial is to have it at street level which would be an eyesore at a City entrance. The EIR contains one potentially significant impact; however, he counted eleven. The expectations he has for living in Diamond Bar is that it is a beautiful City and the City of Diamond Bar and WVUSD is saying it wants to put a commercial area at the heart and entrance of the City which in his opinion, was the wrong thing to do. He asked that the City consider some alternative to this Specific Plan because the DEIR states that of all of the alternatives, this plan is the worst environmental alternative.

Christopher Chung, 21470 Cold Spring Lane, said he saw two different desires and alternatives. He wondered if the motive and intent of a public hearing was to actually get public input or to do the minimal legal obligations the City is required to perform under CEQA. He felt the documents and reports this evening were telling in that normally a scoping meeting takes place prior to issuing of an EIR or any document and is intended to be a time for input from the community. In this case the document was prepared first and then the City asked for input. It is telling him that the applicant indicates its purpose is to make money. He understands development. He has 20 years in this business and understands EIR's, traffic studies, etc., and he is pro-development and pro this project. If his concerns were addressed he would not be speaking tonight. His concerns include a flawed, inconsistent and outdated traffic report that does not include impacts of the stadium in Industry, cumulative impact from tenants at the H-Mart shopping center; and impacts at school intersections like Cold Spring Place and Brea Canyon Road or Cold Spring Lane and Castle Rock. Anyone who drops their kids off in the morning knows there is a 10-15 minute wait. If 202 units are being added, there will be additional impact that has not been analyzed. He understood there was an applicant that had a desire and fully believe that people who own property have the right to develop their property as they see fit but they need to do it in such a way that it does not adversely impact everyone else. In addition, he saw no traffic analysis of ingress/egress from the site. Projects are market-driven and actual analysis cannot be done until the site has an actual development plan so there should be a project first before determining the impact of import/export of dirt, for example. Also, in his opinion, certain assumptions about daily trips are incorrect. Under CEQA, the document needs to indicate that the mitigation measures will actually happen. The City cannot just say it will put money in a pot.

Federation of Hillside and Canyon Associations versus City of Los Angeles has declared an EIR similar to the EIR for this project to be in violation of a CEQA mandate because the City did not include those mitigation measures. Chair/Torng asked the speaker to put his concerns in writing and present them to staff. Mr. Chung said he did not believe the Commission had sufficient information to move this project forward and should send the plan back to staff for further research.

Michael Hasegawa, 21502 Cold Spring Lane, felt there were a lot of questions that needed to be answered including the availability of mass transit to handle the increased demand and whether the trees and water canal would be retained. These questions are guidelines, and residents do not know whether the developer will follow these guidelines because this project is market driven. It seems to him that this is a very haphazard plan because he sees no guarantees for the people who live in the area. What will happen with the screening, for example. If the schools are over packed now, why not keep the site for future school use. He knows the City is down $20 million; however, commercial real estate is not a sure thing. The large movie theater on Diamond Bar Boulevard is large commercial property that has not yet been purchased. There is no assurance anyone will buy this property. He was told by his Realtor when he purchased his home that the view was worth an additional $40,000. Will the home values decline in the area once there is a commercial development and the views are gone? His grandfather was a planner for Los Angeles County and helped to design Rowland Heights and surrounding communities including Diamond Bar. He says that the planning was based on population feasibility studies in designated commercial and residential zoning. Has there been an analysis of how this plan would affect those studies.

Judy Leung, 21175 Running Branch Road, said that according to what she understood, proceeds of the sale of this land could be used for capital improvements only, therefore, would not help the district with operating expenses. There have been no public information meetings on the EIR and the plan, and its details, and she feels the City and school district owe it to the residents to explain this plan in greater detail. Only the residents living within 1000 feet of the site receive meeting notices and the people she has spoken with who live across the street from the project did not receive notices. Only 200 residents received the notice. She believed that many more residents would have come to the meeting tonight to express their feelings if they knew about this project. She wants to know why this project has been kept a secret. The consultant forgot to mention the 1991 DBIA Resolution about this plan that was discussed and declined. The EIR is a large document that requires a college degree to understand and comprehend. She is just an ordinary resident and three week's notice about

this meeting is not a sufficient amount of time to try and understand a 1000 page document. Again, where is the public information meeting that should have explained more in depth about what this proposed project is all about. Section 7.0 of the Specific Plan (General Plan Consistency Analysis) states that "this specific plan provides a site specific detailed description of regulations, standards and guidelines for implementing General Plan goals and policies. To achieve this, the specific plan must be in conformance with and be consistent with the General Plan. The California government code states that a specific plan shall include a statement of the relationship of the specific plan to the General Plan and further, that it may not be adopted and amended unless found to be consistent with the General Plan." The vision statement under land use reads "It is the overall goal of the land use element to ensure that the land uses and development decisions of Diamond Bar maintain and enhance the quality of life for its residents." Does anyone actually believe that this project will enhance the quality of life? If so, she and others would not be here. Residents are trying to let the Commissioners know that this particular plan is going to decrease and lower the residents' quality of life. With very limited notice to the residents, everyone cannot be present tonight to let the Commissioners know how they really feel and this is very, very sad. She said she hoped the response from the City about public comments would not be a comment that the response was "acknowledged" only, because that will serve no purpose.

Mary Rodriguez, 3419 Pasado Drive, said she would like to know about the 1991 DBIA Resolution as well and would like to see alternative plans that would not include destruction of 100 year old California Walnut trees. At the August 2009 meeting she asked about Copper Canyon not showing up in the traffic report and it is not included in this report. Since 1991 it seems like the Commission and Council are not listening to the people. Members of the public speak up and no one pays attention because the same plans continue to be presented with no alternative plan to save the area.

David Busse, 21455 Ambushers Street, owns commercial property in the San Gabriel Valley and wanted to warn the Commission that the commercial real estate business is no place for a school board or a City Council to be messing around at this time. The WVSUD Public Hearing Site D report from March 11, 1991, when there was an attempt to build homes in the area, the timing of the school board speculating on that land was so bad that if that had gone through the school board would have lost a great deal of money. He asked that the WVUSD Site D Public Hearing report from March 11, 1991, be entered into the record which clearly indicates that people in the neighborhood wanted this property used for public use. Politics is the art of compromise and he has not seen any compromise on this plan or in discussions. The EIR is impressive but full of errors. The traffic study is

flawed. One can hire a traffic engineer to say anything they want him to say. Common sense tells one that 220 units of housing traffic cannot be made better by using a bunch of stoplights. Section 4.9 of the EIR, page 4.9-12, the Angeles National Forest is a national forest under the US Department of Agriculture, not the National Parks Service (Department of the Interior). When he opened the EIR to the first page and saw that mistake he wondered how many others were included in the report that he did not know about. Every time one drives the SR60 and experiences the debacle at the SR57/60 they should remember that a registered professional traffic engineer signed off on that project. Traffic is a nightmare and the concept of putting more cars on the street and saying that everything will be fine, it has not been addressed in this EIR and it makes no sense. There needs to be a lot more thought put into the project and more importantly, from the property owner and the developers and everyone else, he wants to see plan alternatives. He understands the schools need money. Kids live in the neighborhood already and there needs to be a lot more thought given to what is being proposed other than making the most money possible. He has served on jury duty many times and he has always been impressed by others who serve at their ability to use common sense to solve complex problems. Don't be fooled by a bunch of material in an EIR compiled by people who allegedly know what they are talking about. He urged the Commissioners to look for themselves and ask themselves if this proposal makes sense and is it for the betterment of the community.

Mary Hasegawa, 21502 Cold Spring Lane, said she has a beautiful view from her home and does not want to wake up every morning to look at a development. And to think the area will be filled with apartments is disheartening. She said she intended to die in her home and will most likely be killed by the smog. Where are the animals going to go? She gardens on her hill and it is like sand. The earth comes down and what assurance is there that when a developer starts grading the hill, those houses won't tumble down? When she bought her home there was apparently a disclosure about Site D which she never bothered to read because she was enthusiastic about her house. She would not have bought her house if she had taken a minute to read the disclosure. She walks every day and she has to go very early or very late because of the smog. It is dangerous at night and she wants to feel safe and secure walking in her neighborhood.

Jeff Leighton, 3703 Crooked Creek, said when he was before the Commission a year ago he saw the same presentation and agreed that no one was listening to the residents. He agreed that there are fewer people present tonight because fewer people were notified. He sent a letter to CDD/Gubman after the last meeting and was told he would be notified of tonight's meeting. However, he did not receive a notice about tonight's

meeting. He said he was concerned about the increase in traffic generated by this proposed high density housing and commercial use plan. In essence, Diamond Bar is a single traffic thoroughfare City. Because of its geography, the City will always be in this condition. The added congestion that will be generated on the south end of town will dominate the southern gateway to the City. The proposed 202 plus units and the 800-900 additional cars, 400 rush-hour cars, will likely occur at the same time that the commercial area may see the most traffic. Another concern is increased air pollution as pointed out on ES-11. Statements like "violation of air quality standards and considerable increase in criteria pollutants" are bone-chilling and should be enough to stop the Alternate 5 project plan now. How can the City that houses the AQMD facility consciously support a plan that increases bad air at a portion of the City that is already severely affected by a parallel freeway a block away from the proposed site? Again, it can only be assumed that the intent is to maximize sale price and I think that fact has been made apparent tonight. The northerly view on Diamond Bar Boulevard will change dramatically from the country living atmosphere present today. The proposed plan for Site D calls for abrupt changes at the southern gateway to the City. In order to accommodate a large commercial area on the south tip of the site, the hills must be reduced to street level in order to achieve this and still maintain the maximum area above the strip mall for housing. This plan must call for huge retaining walls as shown on the plans. The plan must call for a huge retaining wall behind the commercial buildings similar to the midtown Target location. Although the Target wall is somewhat camouflaged and set back from the street it is still unsightly and an eyesore. The wall that will need to be planned for Site D will be much less pleasing and more of a focal point than the Target wall. The site of it will be the first thing seen by people entering the City from the south. In addition, the plan calls for removal of 75 100-year old trees that border Site D. In all, it would be a horrific sight and give a lasting impression of how Diamond Bar chooses to represent itself to its residents and visitors. In summary, the residents understand the need for progress but the City must remember that it needs to take into account the need to give preference to the residents who live in Diamond Bar, pay their taxes and elect the officials who are supposed to represent them. A short-sighted plan to maximize revenue generated at the expense of the residents as voiced by every speaker here tonight and also by speakers who spoke a year ago is an indication of the disdain felt by the residents who will most be affected by the proposed project. The City needs to take another look, please.

Gregory Shockley, 3711 Crooked Creek, said it is pretty bad when a City throws out CEQA in order to accommodate the goal of obtaining money. Over the years the school district has had its ups and downs and the student population increases and decreases. The school district will continue to

survive and will continue to be a good school district with or without the sale of this property because of the teachers and administrators. If people want to live in a place that looks like Irvine they can move there. Other cities like Anaheim and Brea seem to be following suit. People who live here want open space. He does not see where the consultants tried to minimize anything. The Commission does not have to recommend that this be approved by the City Council. In fact, he believes it is the Commission's responsibility not to recommend approval. He has heard it said that if this master plan is not accepted 2200 homes will be built on the site. He said he felt it was the Commission's responsibility was to decline this plan. This is land designated for general public use and no one can put anything on the land without the Council's approval. He believed the City could develop a plan that met the intent of the General Plan and meet the CEQA requirements. The seller may not get as much money for the property but at least it would be more user-friendly to Diamond Bar. I think the City can do a better job.

Robert Velasquez, 24336 Seagreen Drive, said the Planning Commission and City Council have done a lot of good things for Diamond Bar. It is a safe place to live; there are nice trails and a brand new recreation center and he believes residents appreciate the City's efforts. Diamond Bar was based on a country living style with more open space and reduction of traffic and the trend of more building is disturbing. The NFL Stadium will affect the City and he believed that the City should have a long term goal of what it wants to look like 10 years from now and he believed it was the job of the Planning Commission to plan ahead. Walnut was up in arms about the NFL Stadium and they should understand that the residents of Diamond Bar will be left to the consequences of a project like this proposal.

Christopher Chung returned to the podium to state that the mitigation monitoring report must, when approved, include all mitigation measures that are required of the project. What he stated previously about not including the mitigation measures, if those are not included in the document and more mitigation measures are found the document will have to be re-circulated: He said he truly believed that the document is very full of holes and is easily challenged. Residents do not want to have to challenge this project and hope that the Commissioners determine that the document poorly considers all of the ramifications. If all of the comments that were provided did not make it into the mitigation report, something is wrong.

Mary Rodriguez returned to the podium to ask if the Commissioners had read all of the letters and comments that were submitted and Chair/Torng responded yes, that the document under consideration includes "response to comments on the DEIR Site D Specific Plan." Chair/Torng said that

Ms. Rodriquez's letter is in the document. VC/Nolan assured Mary Rodriguez that she read all public comments, emails and letters that have been provided to the Commission.

Chair/Torng closed the public hearing.

RECESS: Chair/Torng recessed the meeting at 8:40 p.m.

RECONVENE: Chair/Torng reconvened the meeting at 8:50 p.m.

8. CONTINUED PUBLIC HEARING:

8.1 **Development Code Amendment No. PL2010-78** – An Ordinance of the City of Diamond Bar amending the zoning regulations governing group residential uses in residential zones and amending the Diamond Bar Municipal Code, and providing reasonable accommodation provisions for the disabled, pursuant to Government Code Section 65858(d). (Continued from March 23, 2010)

Applicant: City of Diamond Bar

CDD/Gubman stated that at the March 23 meeting, the Commission expressed concerns primarily having to do with the "distance" criteria proposed for group homes and separately for parolee or probation housing. With respect to group homes, staff proposed that not only would a Conditional Use Permit be required for group residential and group homes for more than six clients, staff also limited zones for those uses to the multi-family districts and specified a 300-foot minimum separation between such uses. The Commission was concerned with the 300-foot distance in that it might facilitate an over-proliferation of such uses. Staff based the 300-foot separation on state licensing criteria for group homes like daycare or adult daycare facilities licensed by the State Department of Social Services. The City is not bound by that criteria and looked at pushing the buffers wider. Staff is comfortable recommending that the distance separation be increased from 300 feet to 1320 feet which significantly reduces the overall number of group homes that would be potentially available for those uses.

CDD/Gubman reported that the Commission's second issue was the recommended spacing of 5000 feet between parolee/probationer housing. Staff learned that with the additional requirement that such uses be located no closer than a quarter of a mile from schools, parks and the library, it effectively resulted in not being able to get them closer than 10,000 feet apart. As a result, staff changed the distance requirement from 5,000 to 10,000 feet and added a requirement that there shall be no more than two

(2) parolee/probationer housing facilities operating in the City at any one time.

CDD/Gubman indicated that the third issue voiced by the Commission was that there was not any ongoing monitoring of group homes in the ordinance. Staff responded that conditions of approval could be included that would mandate ongoing monitoring. However, staff added a standard that states "these shall be subject to periodic monitoring" so all Conditional Use Permits will need to specify how frequently the facilities are monitored and what kind of reporting requirements would be included. Still left to the discretion of the Commission on a case by case basis is the matter of how frequently it would like a facility to be monitored.

The fourth and final issue from the Commission was about the lack or absence of the requirement for onsite security at parolee/probationer homes. The ordinance stipulates onsite supervision but not onsite security. After conferring with the City Attorney, staff believes that to require security for these facilities would detract from the residential character of the neighborhoods in which these facilities are located and staff is concerned that that perception of an unsecure environment that would require officers or security personnel would in themselves be a detriment to the community so staff would recommend that the standard previously endorsed for onsite supervision rather than security would be the most appropriate measure to be taken if the Commission elects to approve a Conditional Use Permit for a parolee/probationer home.

Staff recommends that the Planning Commission recommend City Council approval of Development Code Amendment No. PL 2010-78 as presented this evening.

C/Shah asked about the difference between onsite security and onsite supervision. CDD/Gubman likened supervision to a hall monitor or resident advisor in a dormitory to make sure everyone is accounted for and make certain all are following the rules of the house and to ensure that peace and order is maintained in the residence rather than having a "security guard" on the premises making sure that individuals are remaining on premises and not causing problems by venturing about unsupervised. C/Shah said he concurred with all recommendations as long as supervision be defined as 24/7 onsite supervision.

VC/Nolan agreed with C/Shah that the intent of the Commissioners comments was not to provide armed guards. She felt staff did a great job of revising the numbers.

Chair/Torng asked if 10,000 was the maximum and CDD/Gubman said that he spent a lot of time discussing this matter with the City Attorney's office and their advice is to go out farther than 10,000 feet would be reducing the likelihood to possibly zero that there would be any facility that could locate in the City. There might be a possibility for one; however, the City Attorney advised that it is somewhat risky to confine it down to one, especially when the one proposed location might not work given that a group home nearby would disqualify the site. Staff wanted to provide at least two possible sites that could accommodate a parolee/probationer facility and whether the City would ever actually get two such facilities would be questionable.

Chair/Torng opened the public hearing.

With no one present who wished to speak on this item, Chair/Torng closed the public hearing.

C/Shah moved, VC/Nolan seconded, to recommend City Council approval of Development Code Amendment No. PL 2010-78. Motion carried by the following Roll Call vote:

AYES:	COMMISSIONERS:	Shah, VC/Nolan, Chair/Torng
NOES:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	Lee, Nelson

9. PLANNING COMMISSIONER COMMENTS/INFORMATIONAL ITEMS:

C/Shah complimented staff on its Site D documentation and report for the Site D Specific Plan. He appreciated the Planners Institute and wished there had been more for him to learn.

VC/Nolan said she appreciated staff's report on the proposed Site D Specific Plan. She would like to have staff continue the public hearing as if there had not been a break so that the Commission would have an opportunity to ask staff questions. She said she would put her questions in writing prior to the next meeting.

10. STAFF COMMENTS/INFORMATIONAL ITEMS:

10.1 Public Hearing dates for future projects.

11. SCHEDULE OF FUTURE EVENTS:

As listed in tonight's agenda.

ADJOURNMENT: With no further business before the Planning Commission, Chairman Torng adjourned the regular meeting at 9:25 p.m.

The foregoing minutes are hereby approved this 27th day of April, 2010.

Attest:
Respectfully Submitted,

Greg Gubman
Community Development Director

Tony Torng, Chairman

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. 7.1

DATE: April 27, 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 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) 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 8 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.

SUMMARY:

The Planning Commission continued this item from the April 13, 2010 meeting after receiving testimony from eleven speakers who raised concerns over air quality, traffic, conservation of open space, removal of existing trees, and visual impacts, among other things. The April 27, 2010 meeting has been scheduled to allow the Commission to resume discussion of the matter, begin the deliberation process, and formulate its recommendations to the City Council.

As of the writing of this report, staff received five written communications in opposition to the proposed Specific Plan, which are included as Attachments 5 through 9.

NOTICE OF PUBLIC HEARING:

The project was continued from the April 13, 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.

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) 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.

ALTERNATIVES TO STAFF RECOMMENDATION

In addition to staff's recommendations, the following alternatives have been identified:

<u>Alternative Environmental Actions</u>

1. Recommend that the City Council Certify the Final EIR, but determine that the Findings of Fact do not warrant the adoption of the Statement of Overriding Considerations, continue the matter to May 11, 2010 and direct staff to prepare the necessary resolution.

2. Identify the reasons why the Final EIR should not be certified, specifying deficiencies in the environmental analysis and/or conclusions, and recommend that the City Council direct staff to revise the environmental analysis accordingly, continue the matter to May 11, 2010 and direct staff to prepare the necessary resolution.

3. Continue the item for additional information or revisions.

Alternative Project Actions

1. Recommend that the City Council deny the Site D Specific Plan and all associated land use applications as described in the attached resolutions (Attachments 2 and 3), state the reasons for the recommendation, continue the matter to May 11, 2010 and direct staff to prepare the necessary resolutions.

2. Recommend that the City Council approve one of the project alternatives listed in the Final EIR (Public Facilities, Community Commercial, Low-Density Residential, or High-Density Residential), continue the matter to May 11, 2010 and direct staff to prepare the necessary resolution.

3. Recommend that the City Council approve another project alternative, or a modified version of one of the alternatives listed in the Final EIR (including the Project Alternative), continue the matter to May 11, 2010 and direct staff to prepare the necessary resolution.

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 13, 2010
5. Letter from Mary Rodriguez dated April 13, 2010
6. E-mail from John Yang on April 13, 2010
7. E-mail from David R. Busse on April 14, 2010
8. E-mail from Judy Leung on April 15, 2010
9. E-mail from Chris Chung on April 15, 2010

Attachment 1

PLANNING COMMISSION
RESOLUTION NO. 2010-XX

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

A. RECITALS

1. On July 1, 2007, the property owner/co-applicant, Walnut Valley School District, and property owner/co-applicant/lead agency, City of Diamond Bar, executed a Memorandum of Understanding whereby the parties agreed to collaborate in the planning of the future land use for the approximately 30.36-acre parcel property located at the southeast corner of Brea Canyon Road and Diamond Bar Boulevard, City of Diamond Bar, County of Los Angeles, California so that both parties may each advance their respective objectives for the disposition of the property.

2. The following approvals are requested of the City Council [Items (a) through (d) below are collectively referred to as the "Project"]:

   (a) General Plan Amendment No. 2007-03 to change the land use designations from Public Facility (PF) and General Commercial (C) to Specific Plan (SP);

   (b) Zone Change No. 2007-04 to change the zoning districts from Low Density Residential (RL) and Neighborhood Commercial (C-1) to Specific Plan

   (c) Specific Plan No. 2007-01 to adopt the Site D Specific Plan for the approximately 30.36 acre site to facilitate the development of a maximum of 202 residential dwelling units; a maximum of 153,985 gross sq. ft. of commercial floor area; and approximately 8 acres of open space areas, easements, and rights-of-way;

(d) Tentative Tract Map No. 70687 to establish separate residential, commercial, and open space parcels; create an internal circulation system and common open space areas; and establish easements and other rights-of-way for utility and other purposes; and

(e) Environmental Impact Report 2007-02 to certify the Final Environmental Impact Report, which provides a detailed analysis of potential environmental impacts associated with the development of the Specific Plan area. The Final EIR includes mitigation measures for the project, addresses project alternatives, identifies the environmentally superior project alternative, and adopts a statement of overriding considerations;

3. Notification of the public hearing for this project was published in the San Gabriel Valley Tribune and the Inland Valley Daily Bulletin newspapers on April 2, 2010. Public hearing notices were mailed to property owners within a 1,000-foot radius of the Project site and public notices were posted at the City's designated community posting sites. In addition to the published and mailed notices, the project site was posted with a display board and the notice was posted at three other locations within the project vicinity; and

4. On April 13 and April 27, 2010, the Planning Commission of the City of Diamond Bar conducted a duly noticed public hearing, solicited testimony from all interested individuals, and concluded said hearing on that date.

B. RESOLUTION

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

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

2. The Planning Commission hereby finds that the project identified above in this Resolution required an Environmental Impact Report (EIR). EIR (SCH No. 2008021014) has been prepared according to the requirements of the California Environmental Quality Act (CEQA) and guidelines promulgated thereunder. The 45-day public review period for the EIR began June 25, 2009 and ended August 10, 2009. Furthermore, the Planning Commission has reviewed the EIR and related documents in reference to the Project;

3. The Planning Commission based on the findings and conclusions set forth herein, hereby finds and determines that conditions have been incorporated into the Application, which mitigate or avoid significant adverse environmental impacts identified in Environmental Impact Report

(SCH #2008021014) except as to those effects which are identified and made the subject of a Statement of Overriding Considerations which this Planning Commission recommends to City Council and finds are clearly outweighed by the economic, social, and other benefits of the proposed project, as more fully set forth in the Statement of Overriding Considerations; and

4. The Planning Commission hereby recommends that the City Council certify the to be EIR complete and adequate; and adopt the Findings of Facts and Statement of Overriding Considerations, and Mitigation Report and Monitoring Program attached herein as Exhibits "A" and "B" and hereby incorporated by reference.

The Planning Commission shall:

(a) Certify to the adoption of this Resolution; and

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

APPROVED AND ADOPTED THIS 27th DAY OF APRIL 2010, BY THE PLANNING COMMISSION OF THE CITY OF DIAMOND BAR.

By: _____
Tony Torng, Chairman

I, Greg Gubman, Secretary of the Planning Commission of the City of Diamond Bar, do hereby certify that the foregoing Resolution was duly introduced, passed, and adopted, at a regular meeting of the Planning Commission held on the 27th day of April, 2010, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

ATTEST: _____
Greg Gubman, Secretary

Exhibit A

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

FINAL ENVIRONMENTAL IMPACT REPORT – "SITE D" SPECFIC PLAN STATE CLEARINGHOUSE NO. 2008021014

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

1.0 PROJECT DESCRIPTION

1.1 Project Location

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

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

1.2 Project Description

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

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

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

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

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

1.3 Project Objectives

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

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

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

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

1.3.1 Future Growth Needs

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

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

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

1.3.2 Senate Bill 375

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

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

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

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

2.0 INTRODUCTION TO FINDINGS

2.1 Format of Findings

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

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

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

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

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

Section 4.0 (Findings Regarding the Significant or Potentially Significant Environmental Effects of the Proposed Project which cannot Feasibly be Mitigated to Below a Level of Significance). This section sets forth findings regarding the significant or potentially significant environmental impacts of the proposed project which cannot feasibly be mitigated to a less-than-significant level based on the threshold of significance criteria presented in the FEIR and which will or may result from the approval, construction, habitation, and/or use of the project and/or the project site.

Section 5.0 (Findings Regarding the Significant or Potentially Significant Environmental Effects of the Proposed Project which can Feasibly be Mitigated to Below a Level of Significance). This section sets forth findings regarding the significant or potentially significant environmental impacts of the proposed project which either do not manifest at a level of significance based on the threshold of significance criteria presented in the FEIR or which can feasibly be mitigated to a less-than-significant level through the imposition of standard conditions of approval and/or those mitigation measures included in the FEIR and adopted or likely to be adopted in the project's "Mitigation Reporting and Monitoring Program" (MRMP).

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

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

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

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

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

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

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

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

2.2 Findings of Fact and Statement of Overriding Considerations

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

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

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

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

(1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects, as identified in the final EIR. [This finding shall be referred to herein as "Finding (1)"]

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the findings. Such changes have been adopted by such other agency or can and should be adopted by such other agency. [This finding shall be referred to herein as "Finding (2)"]

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

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

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

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

2.3 Record of Proceedings

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

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

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

(6) "Minutes of the City of Diamond Bar Neighborhood Forum of Site "D" Specific Plan Draft Environmental Impact Report, Heritage Park Community Center, 2900 S. Brea Canyon Road, Diamond Bar, August 3, 2009," as prepared by the City of Diamond Bar Community Development Department (Department);

(7) All written and verbal public testimony presented during noticed scoping meetings and public hearings for the proposed project at which public testimony was taken;

(8) "Mitigation Reporting and Monitoring Program" (MRMP), as presented in the DEIR and as subsequently adopted by the City Council;

(9) All agendas, staff reports, and approved minutes of the City's Planning Commission and City Council relating to the proposed project;

(10) All maps, exhibits, figure, and text comprising the "'Site D' Specific Plan";

(11) Matters of common knowledge to the City including, but not limited to, federal, State, and local laws, rule, regulations, and standards;

(12) These Findings and all documents expressly cited in these Findings; and

(13) Such other relevant materials required to be in the record of proceedings under Section 21167.6(e) of CEQA.

2.4 Custodian and Location of Records

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

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

3.0 GENERAL FINDINGS

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

(1) Under CEQA, the City of Diamond Bar is the appropriate "Lead Agency" for the proposed project and during the project's CEQA proceedings no other agency asserted or contested the City's "Lead Agency" status;

(2) As part of the CEQA process, in compliance with the provisions of Senate Bill (SB) 18 and the Governor's Office of Planning and Research's (OPR) "Supplement to General Plan Guidelines – Tribal Consultation Guidelines" (2005), the Lead Agency notified the appropriate California Native American tribe of the opportunity to conduct consultation for the purpose of preserving or mitigating impacts to cultural places, referred the proposed action to those tribes that are on the Native American Heritage Commission (NAHC) contact list that have traditional lands within the agency's jurisdiction, and send notice to tribes that have filed a written request for such notice;

(3) In recognition of the fact that the real property examined in the FEIR includes separate properties owned by the City, the District, and the County, the Lead Agency conducted extensive consultation with those agencies, in combination with other agencies identified by the Lead Agency in the FEIR, are identified as "Responsible Agencies" under CEQA;

(4) Copies of the Initial Study, NOP, DEIR, and NOC were provided to those Responsible Agencies identified in the FEIR and each such agency was provided a specified review period to submit comments thereupon;

(5) In compliance with Section 21092.5(a) of CEQA, at least 10 days prior to the certification of the FEIR, the Lead Agency provided its written proposed response to those public agencies that submitted comments to the Lead Agency on the DEIR;

(6) The FEIR and all environmental notices associated therewith were prepared in compliance with CEQA and the State CEQA Guidelines and in accordance with the City's local guidelines and procedures;

(7) The City Council has independently reviewed and analyzed the FEIR and the FEIR reflects the independent judgment of the City Council;

(8) A MRMP has been prepared for the proposed project, identifying those feasible mitigation measures that the City Council has adopted or will likely adopt in order to reduce the potential environmental effects of the proposed project to the maximum extent feasible;

(9) The mitigation measures adopted or likely to be adopted by the City Council will be fully implemented in accordance with the MRMP, verification of compliance will be documented, and each measure can reasonably be expected to have the efficacy and produce the post-mitigated consequences assumed in the FEIR;

(10) Each of the issues to be resolved, as identified in the FEIR and/or subsequently raised in comments received by the City during the deliberation of the City's advisory and decision-making bodies, have been resolved to the satisfaction of the City Council;

(11) The potential environmental impacts of the proposed project have been analyzed to the extent feasible at the time of certification of the FEIR;

(12) The City Council reviewed the comments received on the FEIR, including, but not limited to, those comments received following the dissemination of the DEIR and RTC, and the responses thereto and has determined that neither the comments received nor the responses thereto add significant new information under Section 15088.5 of the State CEQA Guidelines;

(13) The City Council has not made any decisions that would constitute an irretrievable commitment of resources toward the proposed project prior to the certification of the FEIR nor has the City Council previously committed to a definite course of action with respect to the proposed project;

(14) Copies of all the documents incorporated by reference in the FEIR are and have been available for review during the regular business hours of the City at the office of the Community Development Department from the custodian of records for such documents;

(15) These Findings incorporate by reference such other findings as may be required under Sections 65454, 65455, 66474, 66474.4, 65853, and 65860 of the California Government Code and those corresponding finding required under the "City of Diamond Bar Municipal Code" (Municipal Code); and

(16) Having received, reviewed, and considered all information and documents in the record, the City Council has or will impose conditions, mitigation measures, and take other reasonable actions to reduce the environmental effects of the proposed project to the maximum extend feasible and finds as stated in these Findings.

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

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

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

4.1 Air Quality

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

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

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

(a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated herein by reference.

(b) The air quality analysis was conducted in accordance with the methodology presented in the South Coast Air Quality Management District's (SCAQMD) "CEQA Air Quality Handbook" (SCAQMD, April 1993), "Localized Significance Threshold Methodology" (SCAQMD, June 2005), and updates included on the SCAQMD Internet web site. The analysis makes use of the URBEMIS2007 urban emissions model (Version 9.4.2) for the determination of daily construction and operational emissions, the United States Environmental Protection Agency's (USEPA) SCEEN3 Dispersion model for localized construction impacts, the provisions of the California Department of Transportation's (Caltrans) "Transportation Project-Level Carbon Monoxide Protocol," and CALINE4 computer model of on-road carbon monoxide (CO) dispersion modeling.

(c) Air quality impacts will occur during site preparation and construction activities. Major sources of emissions during construction include exhaust emissions, fugitive dust generated as a result of soil and material disturbance during grading activities, and the emission of reactive organic gases (ROGs) during site paving and the painting of the structures.

(d) The terms "reactive organic gases" (ROGs), "reactive organic compounds" (ROCs), and "volatile organic compounds" (VOCs) are used interchangeable in the DEIR.

(e) Based on the SCAQMD's recommended threshold criteria, URBEMIS computer model results indicate that ROG emissions associated with the application of paints and coatings could result in a potentially significant short-term air quality impact. Because the construction phase could create ROG emissions is exceedance of the SCAQMD's recommended significance threshold, the Lead Agency has formulated a number of mitigation measures (Mitigation Measures 7-1 and 7-2) to reduce that impact to the extent feasible.

(f) In addition to those mitigation measures identified by the Lead Agency, all projects constructed in the South Coast Air Basin (SCAB) are subject to standard conditions and uniform codes. Compliance with these provisions is mandatory and, as such, does not constitute mitigation under CEQA. Those conditions mandated by the SCAQMD include, but are not limited to, the following: (1) Rule 403 requires the use of Best Available Control Technologies (BACT) during construction and sets requirements for dust control associated with construction

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

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

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

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

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

(a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated herein by reference.

(b) The major source of long-term air quality impacts is that associated with the emissions produced from project-generated vehicle trips. With regards to mobile source emissions, based on the findings of the traffic analysis, the proposed project is estimated to produce 9,276 average daily vehicle trips (ADT).

(c) Emissions associated with project-related trips are based on the URBEMIS2007 computer model and assumed site occupancy in 2009. Since emissions per vehicle are reduced annually due to tightening emissions restrictions and replacement of older vehicles, the use of 2009 emission factors presents a worst-case analysis with regards to operational air quality impacts.

(d) Operational ROG, nitrogen oxides (NOx), and carbon monoxide (CO) emissions are projected to exceed the SCAQMD recommended threshold of significance values and the impact is potentially significant. Because project occupancy is projected to create ROG, NOx, and CO emissions in excess of the SCAQMD suggested daily criteria, the Lead Agency has formulated a number of mitigation measures (Mitigation Measures 7-3 through 7-7) to reduce that impact to the extent as feasible.

(e) Implementation of those measures would not be expected to reduce ROG, NOx, and CO emission levels to a less-than-significant level. There are no reasonably available mitigation measures than can reduce projected operational ROG, NOx, and CO emissions to less-than-significant levels.

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

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

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

(a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated herein by reference.

(b) Since ROG emissions associated with the application of asphalt, paints, and coatings and ROG, NOx, and CO mobile source emissions are expected to remain significant, the project will add incrementally to the cumulative air quality impact produced by other related projects.

(c) ROG and NO_X are criteria pollutant precursors and go on to form secondary criteria pollutants through chemical and photochemical reaction in the atmosphere.

(d) The SCAB is classified by the State as "extreme non-attainment" for ozone. Ozone is one of a number of substances (photochemical oxidants) that are formed when ROCs and NOx react with sunlight.

(e) Mitigation for the cumulative impact is as specified for construction and operational impacts. However, even with the adoption of the recommended measures, air quality impacts will remain cumulatively significant. No mitigation measures, formulated specifically to address the project's potential incremental contribution to cumulative air quality impacts, are deemed to be reasonably feasible.

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

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

5.1 Land Use

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

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

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

(a) Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the FEIR and that analysis is incorporated by reference herein.

(b) Although no commercial site plan has been presented for the Lead Agency's consideration, once development plans are formulated, those plans are subject to the City's development review process and must conform to applicable property development and use standards.

(c) Chapter 22.48 (Development Review) in Title 22 (Development Code) of the Municipal Code establishes procedures for reviewing residential, commercial industrial, and institutional development to facilitate review in a timely and

efficient manner, and to ensure that development projects comply with all applicable design guidelines, standards, and minimize adverse effects on surrounding properties and the environment. Section 22.16.080 (Screening and Buffering) in Chapter 22.6 (General Property Development and Use Standards) therein presents the City's minimum standards for the screening and buffering of adjoining land uses, equipment and outdoor storage areas, and surface parking areas with respect to both multi-family and non-residential land uses.

(d) Single-family attached and/or multi-family residential development is proposed adjacent and in close proximity to existing single-family detached residential areas located to the north, south, and east of the project site. Although residential densities between the two housing product types may vary, both existing and proposed residential uses would be expected to possess similar operational characteristics and use expectations.

(e) The proposed residential, recreational, and open spaces uses are compatible with existing and proposed development within the general project area.

(f) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of standard conditions of approval (Conditions of Approval 1-1 and 1-2) designed to promote land-use consistency and compatibility.

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

5.1.2 Environmental Effect: The proposed mixed-use project, including the land uses, densities, and development standards now under consideration, could conflict with the adopted plans and policies of the City (Land Use Impact 1-2).

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

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

(a) Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the FEIR and that analysis is incorporated by reference herein.

(b) The proposed project is generally consistent with the policies of the "City of Diamond Bar Genera Plan" (General Plan).

(c) In addition to General Plan consistency, the project is subject to compliance with applicable provisions of the Municipal Code, including those contained in Chapter 22.22 (Hillside Management) of the Development Code. In accordance with the provisions of Section 22.22.040 (Density) in Title 22 (Development Code) of the Municipal Code, a total of 524 dwelling units could be developed on the site, which is substantially greater than the 202 dwelling units proposed.

(d) Although a General Plan amendment (GPA) and/or zone change (ZC) would be required to accommodate the proposed residential use, the proposed densities are allowable in the City. Subject to a GPA and/or ZC, the residential portion of the project would be deemed consistent with the "City of Diamond Bar General Plan" (General Plan).

(e) Based on existing zoning and assuming a lot-line adjustment to better equate the existing zoning with the site's development potential, as specified in Section 22.10.020 (Purpose of Commercial/Industrial Zoning Districts) in Chapter 22.10 (Commercial/Industrial Zoning Districts) in Title 22 (Development Code) of the Municipal Code, the allowable floor-area-ratio (FAR) for non-residential development in the "Neighborhood Commercial (C-1)" zoning district shall be

from 0.25 to 1.00. In accordance therewith, a range of between 109,880 and 439,520 square feet of commercial use could be developed on the project site. The 153,985 square feet of commercial use now being proposed falls near the lower end (0.35 FAR) of the allowable FAR range and would, therefore, be consistent with the City's land-use policies.

(f) The proposed project is generally consistent with the applicable core policies of the Southern California Association of Government's (SCAG) 2008 "Regional Comprehensive Plan – Helping Communities Achieve a Sustainable Future" (2008 RCP).

(g) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 1-3) designed to provide notification to SCAG of projected growth within the City, so as to allow SCAG to more effectively update regional plans.

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

5.1.3 Environmental Effect: Project implementation requires a General Plan amendment, adoption of a specific plan, zone change, subdivision of the project site, and other discretionary actions to accommodate the proposed land uses. Each of those actions is subject to specific findings by the City Council and/or by other responsible agencies (Land Use Impact 1-3).

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

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

(a) Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the FEIR and that analysis is incorporated by reference herein.

(b) A specific plan is a regulatory tool, authorized under the provisions of Sections 65450-65457 of the CGC, which is intended to guide the development of a localized area and serve as a tool for the systematic implementation of the general plan. A specific plan document establishes a link between the implementing policies contained in an agency's general plan and the individual development proposal in a defined area. No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the agency's general plan. No public works project, no tentative map, and no zoning ordinance may be approved, adopted, or amended within the area covered by a specific plan unless consistent with the adopted specific plan.

(c) As indicated in Section 66474, a legislative body of a city or county shall deny approval of a subdivision map if finds that: (a) the proposed map is not consistent with applicable general and specific plans; (b) the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans; (c) the site is not physically suitable for the type of development; (d) the site is not physically suitable for the proposed density of development; (e) the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; (f) the design of the subdivision or type of improvements is likely to cause serious public health problems; and/or (g) the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at

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

(d) Pursuant to the General Plan, it is the policy of the City to "[e]ncourage the innovative use of land resources and development of a variety of housing and other development types, provide a means to coordinate the public and private provisions of services and facilities, and address the unique needs of certain lands by recognizing Specific Plan (SP) overlay designations: (a) for large scale development areas in which residential, commercial, recreational, public facilities, and other land uses may be permitted; and (b) large acreage property(ies) in excess of ten acres that are proposed to be annexed into the City" (Strategy 1.1.9, Land Use Element).

(e) The information presented in the FEIR may be used, in whole or in part, by the City and by other responsible agencies to support specific findings as mandated by State law and by agency requirements and procedures, both as may be required under CEQA and as may be required in support of other actions that may be taken by the City and by other agencies with regards to the proposed project or any aspect thereof. In the event that the City and/or other responsible agencies are unable to make requisite findings, those discretionary approvals associated with those findings cannot be issued. In the absence of the issuance of requisite permits and approvals, no physical changes to the project site would be anticipated to occur and no environmental impacts would result therefrom.

(f) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 1-4) designed to ensure an appropriate nexus between the project's environmental review and any resulting land-use entitlements.

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

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

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

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

(a) Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the FEIR and that analysis is incorporated by reference herein.

(b) Implementation of the proposed project in combination with those other related projects will result in the further urbanization of the general project area, including the conversion of vacant or under-developed properties to higher-intensity uses.

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

(c) Anticipated residential development in the City exceeds the population growth estimates formulated by SCAG. SCAG's projections are used as the basis for establishing regional transportation plans. By under-estimating interim local demands, regional plans may not be as effective in responding to areawide interim transportation needs.

(d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 1-3) designed to apprise SCAG of projected growth within the City, so as to allow SCAG to more effectively update regional plans.

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

5.2 Population and Housing

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

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

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

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

(b) During construction, an estimated 73 workers would be associated with the project's 202 multi-family housing units and an additional estimated 49 workers would be associated with the project's 153,985 square feet of commercial use.

(c) The workforce required for the project's construction, operation, and maintenance can be reasonably drawn from the available regional labor pool.

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

5.2.2 Environmental Effect: Project implementation will result in the addition of up to 202 dwelling units to the City's existing housing stock and will increase the City's population by approximately 662 individuals, based on the California Department of Finance's existing (January 2008) Citywide vacancy rates and average household size (3.335 persons/unit) and vacancy rate (1.71 percent) (Population and Housing Impact 2-2).

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

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

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

(b) As indicated in California Department of Finance estimates, in January 2008, the City's population was estimated to be 60,360 individuals. The total number of dwelling units was estimated to be 18,380 units.

(c) Total number of dwelling units now proposed (202 units) is less than the adopted SCAG 2006-2014 RHNA for new construction for "above moderate" income households (440 units) and only slightly more than SCAG's identified new construction need for "moderate" income households (188 units). The project represents about 18.5 percent of the projected housing needs for the period 2006-2014. Since the projected increase appears generally consistent with regional projections, the project will further the attainment of SCAG's regional housing needs assessment.

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

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

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

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

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

(b) Based on the projected number of direct new jobs (462 jobs) and the number of housing units associated with the proposed project (202 dwelling units), the project's projected on-site jobs-to-housing ratio is about 2.3, indicating the project is "jobs rich." The relatively small number of jobs and housing units, however, is not significant in the broader regional context.

(c) The inclusion of both residential and commercial uses on the same site serve to further attainment of the primary intent of jobs-housing balance, namely the reduction of vehicle miles traveled (VMT) and the corresponding air quality benefits.

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

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

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

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

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

(b) Between 2010 and 2030, the jobs-housing ratio for the City will decrease from only 0.86 to 0.82. As a result, the City will remain "housing rich" and "jobs poor."

(c) Based on the projected number of direct new jobs attributable to the proposed project (462 jobs) and the number of housing units (202 units), the project's projected on-site jobs-to-housing ratio is about 2.3 and the proposed project would be categorized as being "jobs rich." As a result, the proposed project promotes the attainment of SCAG's jobs-housing policies and would not incrementally contribute to the existing imbalance.

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

5.3 Geotechnical Hazards

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

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

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

(a) Project-related and cumulative geotechnical hazards impacts are addressed in Section 4.3 (Geotechnical Hazards) in the FEIR and that analysis is incorporated by reference herein.

(b) Information and analysis concerning the existing geologic, geotechnical, seismic, and soils setting, including specific design and development recommendations formulated in response thereto, are presented in "Preliminary Geotechnical Engineering Report: Site D-Mass Grading, Walnut Valley Unified School District, Diamond Bar, California" (KFM GeoScience, January 15 2008).

(c) The proposed project is feasible from a geotechnical perspective, provided that the recommendations presented in the project's geotechnical investigations are incorporated into the project's design and construction. Since the Applicant has committed to the incorporation of those recommendations, they are part of the proposed project and the project's design, construction, and operation will occur in conformity and compliance therewith.

(d) Design and development activities will occur in conformance with applicable Uniform Building Code (UBC) and California Building Standards Code (CBSC) standards and requirements.

(e) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 3-1) to ensure that each of the recommendations presented in the geotechnical investigation are incorporated into the design, development, and operation of the proposed project.

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

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

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

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

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

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

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

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

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

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

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

5.4 Hydrology and Water Quality

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

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

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

(a) Project-related and cumulative hydrology and water quality impacts are addressed in Section 4.4 (Hydrology and Water Quality) in the FEIR and that analysis is incorporated by reference herein.

(b) Information and analysis concerning the existing hydrologic and water quality setting, including specific design and development recommendations formulated in response thereto, are presented in "Preliminary Drainage Report for Site 'D' Improvements at Intersection of Diamond Bar Boulevard and Brea Canyon Road, Diamond Bar, California" (PENCO Engineering, Inc., February 7, 2008, revised April 6, 2009).

(c) Water quality protection is ensured through preparation and implementation of the stormwater pollution prevention plan (SWPPP), as required under the State Water Resources Control Board's (SWRCB) National Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction Activity (Construction General Permit), through Best Management Practices (BMPs) designed to ensure that grading and construction operations involving the transport, storage, use, and disposal of a variety of construction materials complies with certain storage, handling, and transport requirements.

(c) Pursuant to the Regional Water Quality Control Board, Los Angeles Region's (LARWQCB) fourth-term General National Pollutant Discharge Elimination System (NPDES) permit (NPDES No. CAS004001) for discharges to the municipal separate storm sewer system (MS4) in County, a standard urban stormwater mitigation plan (SUSMP) shall be required, including appropriate BMPs and guidelines to reduce pollutants in storm water to the maximum extent possible (MEP).

(d) The Construction General Permit and compliance with SWPPP and MS4 permit requirements constitute mandatory project measures. Compliance ensures that project-induced water-borne erosion does not significantly impact downstream drainage systems.

(e) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 4-2) requiring the City Engineer's approval of a SUSMP conforming to the requirements of Section 8.12.1695 of the Municipal Code.

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

5.4.2 Environmental Effect: Project implementation will result in the introduction of impervious surfaces onto the project site and, as a result of the impedance of opportunities for absorption and infiltration of those waters, has the potential to increase the quantity, velocity, and duration of storm waters discharged from the tract map area (Hydrology and Water Quality Impact 4-2).

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

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

(a) Project-related and cumulative hydrology and water quality impacts are addressed in Section 4.4 (Hydrology and Water Quality) in the FEIR and that analysis is incorporated by reference herein.

(b) According to the recorded plans for the Brea Canyon Storm Drain Channel (Private Drain No. 395), a 25-year discharge of 2,285 cubic feet per second (cfs) is shown at the downstream side of the Diamond Bar Boulevard culvert. The Los Angeles County Department of Public Works (LACDPW) stipulated that the existing County-operated and maintained drainage system accommodate a 50-year storm event of 2,602 cfs.

(c) A 50-year storm creates approximately 68.38 cfs of runoff from the western portion of the project site and an existing 33-inch diameter reinforced concrete pipe located to the south of the project site currently carries off-site discharge of 83.94 cfs. When combined with existing off-site discharge, the 50-year storm runoff totals 174.80 cfs at the Brea Canyon Storm Drain Channel. The summation of 50-year flows (2,602 + 174.80 = 2,776.8) from the project site and from the channel total approximately 2,777 cfs at this reach.

(d) Drainage improvements are proposed to accommodate projected flows. As proposed, at this reach, the existing Brea Canyon Channel will be replaced with reinforced concrete box (RCB). An existing tributary open channel east of the project site will be replaced with RCB, as well as the proposed entrance to the site. To convey the 50-year discharge, the proposed channel section will be double cells 9-foot-wide by 8-foot-high RCB with an average 20 feet of cover. Approximately 50 feet of transition box will be constructed from the proposed RCB section to the existing culvert section under Diamond Bar Boulevard. A transition structure downstream of the proposed RCB will be construed to join the existing trapezoidal channel.

(e) The Lead Agency has identified a standard condition of approval (Condition of Approval 4-1) requiring receipt of all requisite permits and approvals from the LACDPW allowing for the overbuilding of the Brea Canyon Storm Drain Channel.

(f) To ensure that drainage improvements are consistent with applicable design and development standards and that post-project drainage flows do not result in any adverse public safety or other impacts, a mitigation measure (Condition of Approval 4-1) has been included in the FEIR and adopted or likely to be adopted in the MRMP specifying that all drainage facilities and improvements are subject to final design and engineering review and approval by the City Engineer and, for those storm drain facilities under County jurisdiction, by the LACDPW.

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

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

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

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

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

5.5 Biological Resources

5.5.1 Environmental Effect: Construction activities and fuel-modification requirements will result in direct impacts from vegetation removal of about 30.4 acres located within the tract map area. Fuel modification requirements imposed by the Los Angeles County Fire Department could directly impact additional vegetation (Biological Resources Impact 5-1).

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

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

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

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

(c) During grading operations, impacts will occur to approximately 20.4 acre of disturbed/ruderal, 3.6 acre of eucalyptus stand/disturbed, 2.8 acres of mule fat scrub, 2.1 acres of California walnut woodlands, 0.9 acre of ruderal/goldenbush scrub, and 0.3 acres of southern willow scrub. With the exception of southern willow scrub, none of these plant communities are considered rare or of high priority for inventory by the California Natural Diversity Database (CNDDB).

(d) Rare natural communities are those communities that are of highly limited distribution. The most current version of the California Department of Fish and Game's "The Vegetation Classification and Mapping Program – List of California Terrestrial Natural Communities Recognized by the California Natural Diversity Database" (CDFG, 2003) serves as a guide to each community's status.

(e) California walnut woodlands and southern willow scrub are considered high-priority for inventory under the CNDDB because they are experiencing decline throughout its range. These habitats are marginal in its value because they are fragmented (i.e., not contiguous with similar habitats) and not expected to support sensitive species. Focused sensitive plant surveys were negative and habitat assessments for sensitive wildlife species (e.g., the least Bell's vireo and southwestern willow flycatcher) determined that these habitats are not suitable to support these species.

(f) Although California walnut woodlands and southern willow scrub are associated with United States Army Corps of Engineers (ACOE), Regional Water Quality Control Board (RWQCB), the loss, removal, and destruction of these plant communities on the project site would neither eliminate nor substantially diminish the functions and values of the on-site drainages as a regional biological resource.

(g) The project would cause the direct mortality of some common wildlife species and the displacement of more mobile species to suitable habitat areas nearby. These impacts, by themselves, would not be expected to reduce general wildlife populations below self-sustaining levels within the region.

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

5.5.2 Environmental Effect: The project will permanently impact approximately 2,125 linear feet of streambed, including approximately 0.20 acres of United States Army Corps of Engineers (ACOE) and Regional Water Quality Control Board (RWQCB) jurisdictional waters and approximately 4.10 acres of California Department of Fish and Game (CDFG) jurisdictional streambed and associated riparian habitat (Biological Resources Impact 5-2).

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

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

(a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.

(b) Project implementation will result in direct impacts to approximately 2,125 linear feet of streambed. A total of approximately 0.20 acre of ACOE/RWQCB jurisdictional waters of the United States (WoUS) and approximately 4.10 acres of CDFG jurisdictional streambed and associated riparian habitat would be impacted by the proposed development. No direct impacts to jurisdictional waters are anticipated beyond the project boundaries.

(c) The project will require a nationwide Section 404 (CWA) permit from the ACOE, a Section 401 (CWA) water quality certification from the RWQCB, and a Section 1602 (CFGC) streambed alteration agreement from the CDFG. Impacts to jurisdictional features will be subject to the regulations set forth by the ACOE, RWQCB, and CDFG and will require mitigation or result in the imposition of other conditions for the identified impacts to jurisdictional waters.

(d) In recognition of the presence of jurisdictional waters, a mitigation measure (Mitigation Measure 5-1) has been included in the FEIR and adopted or likely to be adopted in the MRMP specifying that, unless a greater ratio is required by permitting agencies: (1) the on-site and/or off-site replacement of ACOE/RWQCB jurisdictional waters and wetlands occur at a 2:1 ratio; (2) the on-site and/or off-site replacement of CDFG jurisdictional streambed and associated riparian habitat occur at a 2:1 ratio; and (3) the incorporation of design features into the proposed project's design and development. Implementation of that measure will reduce identified impacts to below a level of significance.

5.5.3 Environmental Effect: Proposed grading and grubbing activities will result in the removal of 83 protected ordinance-size trees, including 75 California black walnut, six willow, and two coast live oak trees, which now exist on the project site (Biological Resources Impact 5-3).

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

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

(a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.

(b) A total of 75 California black walnut, six willow, and two coast live oak trees will be impacted by the proposed project. Each of these species is protected trees under Chapter 22.38 of the Municipal Code. The Oaks and Willows, however, do not meet the size criteria in the tree ordinance to be classified as protected trees. As required therein, the City may require a tree maintenance agreement prior to removal of any protected tree or commencement of construction activities that may adversely affect the health and survival of trees to be preserved.

(c) The project is subject to compliance with the provision of Chapter 22.38 (Tree Preservation and Protection) of the Municipal Code.

(d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of standard conditions of approval (Conditions of Approval 5-

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

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

5.5.4 Environmental Effect: Construction activities initiated during the nesting season, typically extending from February 15 to August 15 of each year, could impact nesting birds and raptors in violation of the federal Migratory Bird Treaty Act (Biological Resources Impact 5-4).

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

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

(a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.

(b) One sensitive bird species (Cooper's hawk) was observed within the project area and three additional species (white-tailed kite, sharp-shinned hawk, and loggerhead shrike) have the potential to occur within the study area due to the presence of suitable habitat. Since these species are not protected by federal or State listings as threatened or endangered and since the loss of individuals would not threaten the regional populations.

(c) Based on the presence of suitable vegetation, the removal of vegetation during the breeding season (typically extending between February 15 and August 15) could constitute a potentially significant impact.

(d) Disturbing or destroying active nests is a violation of the federal Migratory Bird Treaty Act and nests and eggs are protected under Section 3503 and 3513 of the California Fish and Game Code.

(e) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 5-4) promoting vegetation removal activities outside the nesting bird season.

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

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

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

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

(a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.

(b) The project site is located to the north of the area identified by the Conservation Biological Institute as part of the "Puente-Chino Hills wildlife corridor."

(c) Although wildlife movement corridors exist in the general project area, the project site does not serve any connectivity or linkage role with regards to regional wildlife movement.

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

5.5.6 Environmental Effect: If improperly designed and maintained, the proposed on-site flood control facilities and structural and treatment control Best Management Practices (BMPs) could potentially provide a habitat for the propagation of mosquitoes and other vectors (Biological Resources Impact 5-6).

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

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

(a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.

(b) Urban stormwater runoff regulations now mandate the construction and maintenance of structural BMPs for both volume reduction and pollution management. Those BMPs can create additional sources of standing water and sources for mosquito propagation.

(c) In the general project area, vector control is performed by the Greater Los Angeles County Vector Control District (GLACVCD), a County special district funded by ad valorum property and benefit assessment taxes.

(d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 5-5) requiring that BMP devices shall be designed in consultation with the Greater Los Angeles County Vector Control District and shall be of a type which minimizes the potential for vector (public nuisance) problems.

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

5.5.7 Environmental Effect: Implementation of the proposed project, in combination with other reasonably foreseeable future projects, will contribute incrementally to the continuing reduction in open space areas in the general project area and contribute to the general decline in species diversity throughout the region (Biological Resources Impact 5-7).

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

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

(a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.

(b) Implementation of the proposed project and other reasonably foreseeable future projects will contribute incrementally to the continuing urbanization of the region.

(c) The proposed project will impact approximately 2.1 acres of California walnut woodland and 0.3 acres of southern willow scrub habitat. As a result, the project

will add incrementally to the regional loss of plant communities considered high-priority for inventory under the CNDDB.

(d) Although California walnut woodlands and southern willow scrub are considered high-priority for inventory under the CNDDB, these on-site habitats are marginal in its value because they are fragmented and not expected to support sensitive species. As a result, the incremental reduction in these habitats would not be cumulatively significant.

(e) Under Section 22.38.030 of the Municipal Code, protected trees, including "native oak, walnut, sycamore and willow trees with a DBH [diameter at breast height] of eight inches or greater" shall be replaced at a minimum ratio of 3:1.

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

5.6 Traffic and Circulation

5.6.1 Environmental Effect: Construction vehicles will transport workers, construction equipment, building materials, and construction debris along local and collector streets and along arterial highways within and adjacent to established residential areas and other sensitive receptors (Traffic and Circulation Impact 6-1).

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

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

(a) Project-related and cumulative traffic and circulation impacts are addressed in Section 4.6 (Traffic and Circulation) in the FEIR and that analysis is incorporated by reference herein.

(b) Information and analysis concerning the existing traffic and circulation setting, including an assessment of project-related impacts, is presented in "Traffic Impact Analysis Report, WVUSD Site D Mixed-Use Development, Diamond Bar, California" (Linscott, Law & Greenspan Engineers, April 23, 2009).

(c) Construction traffic, including vehicles associated with the transport of heavy equipment and building materials to and from the project site and construction workers commuting to and from work, will increase traffic volumes along Diamond Bar Boulevard and Brea Canyon Road and, because site access can be obtained from Castle Rock Road and Pasado Drive, construction workers may elect to park along and construction vehicles could stage at those roadways.

(d) Existing (2007) daily traffic volumes along project area roadway segments include: (1) Brea Canyon Road (north of Diamond Bar Boulevard) – 4,896 average daily trips (ADT); (2) Brea Canyon Road (south of Diamond Bar Boulevard) – 12,696 ADT; (3) Diamond Bar Boulevard (north of Cherrydale Drive) – 20,512 ADT; and, (4) Brea Canyon Cutoff (west of Fallow Field-Diamond Canyon) – 11,003 ADT. Since the projected 854 construction trips would be substantially less than those existing capacity figures and would primarily occur during off-peak periods, construction-related traffic would not adversely affect the existing levels of service (LOS) along those roadways.

(e) Compliance with and enforcement of speed laws and other provisions of the California Vehicle Code (CVC) and the safe use and operation of vehicles by their drivers would be expected to keep public safety issues at a less-than-significant level.

(f) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of standard conditions of approval (Condition of Approvals 6-1 through 6-4) requiring the preparation of a construction workers' parking and equipment staging plan, construction traffic mitigation plan, and traffic control plan, and restricting construction-term access from and along Castle Rock Road and Pasado Drive.

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

5.6.2 Environmental Effect: The project is forecast to generate approximately 9,276 daily two-way vehicle trips, including 272 trips during the AM and 650 trips during the PM peak hours, and would increase traffic congestion on local and regional roadways (Traffic and Circulation Impact 6-2).

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

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

(a) Project-related and cumulative traffic and circulation impacts are addressed in Section 4.6 (Traffic and Circulation) in the FEIR and that analysis is incorporated by reference herein.

(b) The project's traffic impact analysis was conducted in accordance with the City's "Guidelines for the Preparation of Traffic Impact Analysis Report" and, for each of the 20 study area intersections, included an assessment of the following nine scenarios were examined: (1) 2007 existing traffic conditions; (2) 2007 existing-plus-project traffic conditions; (3) 2007 existing-plus-project traffic conditions, with Improvements; (4) 2010 cumulative-base conditions (existing, ambient growth, and related projects); (5) 2010 cumulative-base-plus project traffic conditions; (6) 2010 cumulative-base-plus project conditions, with Improvements; (7) 2030 cumulative-base conditions (existing, ambient growth, and related projects); (8) 2030 cumulative-base-plus-project traffic conditions; (9) 2030 cumulative-base-plus-project traffic conditions, with Improvements.

(c) In accordance with City traffic impact analysis (TIA) requirements, the project's construction of or payment of a "fair share" contribution toward the construction costs of identified areawide street improvements serves to fully and effectively reduce the project's traffic and circulation impacts to a less-than-significant level.

(c) Prior to implementation of any recommended traffic improvements, on a cumulative-plus-project bases, traffic associated with the proposed project will significantly impact nine intersections in the long-term (2030) and contribute to the adverse service levels at three additional intersections forecast to operate at an unsatisfactory LOS in 2030. Those locations projected to operate at an adverse service level in 2030 include: (1) Brea Canyon Road (W) at Pathfinder Road; (2) Diamond Bar Boulevard at Pathfinder Road; (3) Brea Canyon Road at Cold Springs Lane; (4) Cold Springs Lane at Diamond Bar Boulevard; (5) Pathfinder Road at Brea Canyon Cutoff; (6) SR-57 SB Ramps at Brea Canyon Cutoff; (7) SR-57 NB Ramps at Brea Canyon Cutoff; (8) Brea Canyon Road at Diamond Bar Boulevard; (9) Cherrydale Drive at Diamond Bar Boulevard; (10) Brea Canyon Road at Silver Bullet Drive; (11) Diamond Bar Boulevard at Grand Avenue; and (12) Colima Road at Brea Canyon Cutoff.

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

5.6.3 Environmental Effect: The implementation of the proposed project, in combination with other related projects, will collectively contribute to existing traffic congestion in the general project area and exacerbate the need for localized areawide traffic improvements (Traffic and Circulation Impact 6-3).

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

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

(a) Project-related and cumulative traffic and circulation impacts are addressed in Section 4.6 (Traffic and Circulation) in the FEIR and that analysis is incorporated by reference herein.

(b) Prior to implementation of any recommended traffic improvements, the following twelve intersections are projected to operate at an adverse LOS in 2030: (1) Brea Canyon Road (W) at Pathfinder Road; (2) Diamond Bar Boulevard at Pathfinder Road; (3) Brea Canyon Road at Cold Springs Lane; (4) Cold Springs Lane at Diamond Bar Boulevard; (5) Pathfinder Road at Brea Canyon Cutoff; (6) SR-57 SB Ramps at Brea Canyon Cutoff; (7) SR-57 NB Ramps at Brea Canyon Cutoff; (8) Brea Canyon Road at Diamond Bar Boulevard; (9) Cherrydale Drive at Diamond Bar Boulevard; (10) Brea Canyon Road at Silver Bullet Drive; (11) Diamond Bar Boulevard at Grand Avenue; (12) Colima Road at Brea Canyon Cutoff.

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

5.7 Air Quality

5.7.1 Environmental Effect: Because the project involves a General Plan amendment and zone change, it has the potential to be inconsistent with the applicable air quality management plan (Air Quality Impact 7-1).

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

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

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

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

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

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

(a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated by reference herein.
(b) All construction emissions concentrations for carbon monoxide (CO), nitrogen dioxide (NO_2), particulate matter less than 10 microns (PM_{10}), and particulate matter less than 2.5 microns ($PM_{2.5}$) are within their respective threshold values and are, therefore, less than significant.
(c) Based on a CO micro-scale hot-spot analysis, predicted CO values are below the State's 1-and 8-hour standards and any potential impact is less than significant.
(c) Mandatory adherence to the SCAQMD rules would ensure that any construction or operational impact from toxic air contaminants (TAC) associated with the operation of the project remains less than significant.
(d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 7-1) requiring

that future residential purchasers be notified of the presence or potential presence of proximal commercial uses on the subject property.

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

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

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

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

(a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated by reference herein.

(b) Project construction would involve the use of heavy equipment creating exhaust pollutants from on-site earth movement and from equipment transporting materials to and from the site. In addition, some odors would be produced from the application of asphalt, paints, and coatings. With regards to nuisance odors, any air quality impacts will be confined to the immediate vicinity of the odor source and would be of short-term duration. Such brief exposure to nuisance odors constitutes an adverse but less-than-significant air quality impact.

(c) Operational odors could be produced from on-site food preparation and from diesel-fueled vehicles operating on the project site. These odors are common in the environment and subject to compliance with SCAQMD Rule 402 (Nuisance).

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

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

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

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

(a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated by reference herein.

(b) At this time, greenhouse gases (primarily CO_2) are not regulated as a criteria pollutant and there are no significance criteria for these emissions. The current AQMP does not set CEQA targets that can be used to determine any potential threshold values.

(c) Carbon dioxide (CO_2) is the most common greenhouse gas. Construction activities would consume fuel and result in the generation of GHG emissions. Construction CO_2 emissions were projected using the URBEMIS2007 computer model. In accordance with the projected URBEMIS construction schedule, approximately 1,347,095.44 pounds (673.55 tons) of CO_2 would be produced over the approximate 299 days of active construction.

(d) In the case of site operations, the majority of GHG emissions, and specifically CO_2, are due to vehicle travel and energy consumption. Results of the

URBEMIS2007 model indicate that, on average, 87,066.64 pounds (43.53 tons) of CO_2 would be produced daily or about 31,779,323.60 pounds (15,889.66 tons) per year.

(e) In accordance with the current AQMP, the emission levels in California are estimated to be 473 million metric tons (521.4 million short tons) CO_2 equivalent for 2000 and 532 million metric tons (568.4 short tons) CO_2 equivalent for 2010. Year 2009 (the worst-case scenario year that the emissions are based on) is then extrapolated to 526.1 million metric tons (579.9 short tons). At approximately 15,889.66 tons per year, the proposed project's operations represent less than 0.003 percent of this State's annual CO_2 emissions' budget.

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

5.8 Noise

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

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

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

(a) Project-related and cumulative noise impacts are addressed in Section 4.8 (Noise) in the FEIR and that analysis is incorporated by reference herein.

(b) Noise levels associated with construction activities would be higher than the existing ambient noise levels in the project area but would subside once construction of the project is completed.

(c) The most proximate residential structures include the existing single-family homes located to the immediate south and east of the project site. The nearest of these homes could be on the order of 50 feet from on-site construction activities. At that distance, the equivalent noise level (Leq) noise levels would be projected to be as high as 89 A-weighted decibel scale (dBA).

(d) Construction noise is regulated in the City under the provisions of the Municipal Code. The Municipal Code limits the hours of heavy equipment operations. Notwithstanding those provisions, construction noise may continue to be a short-term nuisance to proximal noise-sensitive receptors.

(e) In recognition of the presence of construction noise and the proximity of existing residential receptors, a number of mitigation measures (Mitigation Measures 8-1 through 8-6) have been included in the FEIR and adopted or likely to be adopted in the MRMP which are designed to reduce short-term noise impacts to the maximum extend feasible. Implementation of the recommended mitigation measures would reduce construction noise impacts to a less-than-significant level.

5.8.2 Environmental Effect: Project implementation may result in an exceedance of noise standards established in the General Plan and/or Municipal Code or applicable standards formulated by other agencies (Noise Impact 8-2).

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

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

(a) Project-related and cumulative noise impacts are addressed in Section 4.8 (Noise) in the FEIR and that analysis is incorporated by reference herein.

(b) The Municipal Code sets a goal level of 55 dBA for mobile-source noise intrusion on sensitive, multi-family land uses. The General Plan (Noise Element) allows for a conditionally acceptable exterior noise level of up to 65 dBA community noise equivalent level (CNEL) for residential uses as long as the dwelling units are fitted with forced air ventilation or air conditioning. Assuming the inclusion of forced air ventilation, commercial uses have an exterior goal of 65 dBA CNEL and a conditionally acceptable level of 70 dBA CNEL.

(c) Based on projected traffic volumes, the 65 dBA CNEL along Diamond Bar Boulevard would fall at a distance of about 130 feet from the centerline of the road. The placement of any residential units within this distance could then expose future residents to excessive noise levels and result in a potentially significant impact. Since any commercial structures that would lie between the residential units and Diamond Bar Boulevard could serve as an effective sound wall if they were to shield the residents from a view of the road traffic, the 130-foot distance is considered as conservative.

(d) The 65 dBA CNEL deemed suitable for residential development, equipped with forced air ventilation, would fall at a distance of about 830 feet from the freeway.

(e) The 70 dBA CNEL would fall at distances of about 60 feet from the centerline of Diamond Bar Boulevard.

(f) The Lead Agency has identified a standard condition of approval (Condition of Approval 8-1), as required under Title 24 standards, requiring forced air ventilation in the proposed residential development, thus allowing site occupants to leave windows closed and reducing interior levels by in excess of 20 dBA.

(e) Based on the potential presence of significant noise impacts, a number of mitigation measures (Mitigation Measures 8-7 and 8-8) have been included in the FEIR and adopted or likely to be adopted in the MRMP specifying that no residential units shall be located within 830 feet of the SR-57 Freeway's nearest travel lane unless additional sound attention is provided and no commercial units shall be located within 60 feet of the centerline of Diamond Bar Boulevard. Implementation of the recommended mitigation measures would reduce construction noise impacts to a less-than-significant level.

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

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

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

(a) Project-related and cumulative noise impacts are addressed in Section 4.8 (Noise) in the FEIR and that analysis is incorporated by reference herein.

(b) As traffic volumes in the general project area increase, those areas located in proximity to the area's arterial highway system will experience increased traffic noise.

(c) The TIA indicates that the project would add 9,276 ADT to the roadway network. Modeling indicates that the noise increase along all access roads would not exceed 0.7 dBA CNEL. The project's contribution to ambient noise levels would, therefore, be less than significant.

(d) The dominant sources of noise through the project area are from freeway traffic and traffic along Diamond Bar Boulevard. Noise attenuates with distance and intervening objects and obstacles serve to further impede the transmittal of sound energy. The structures associated with the proposed development would serve as a partial sound wall reducing this noise at the existing residential location. The introduction of intervening structures could benefit adjacent residents by further reducing line-of-sight propagation of mobile source noise along adjoining roadways.

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

5.8.4 Environmental Effect: Short-term construction and long-term operational noise associated with the proposed project, in combination with other related projects, will contribute to both a localized and an areawide increase in ambient noise levels in proximity to those projects and along those roadways utilized by project-related traffic (Noise Impact 8-4).

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

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

(a) Project-related and cumulative noise impacts are addressed in Section 4.8 (Noise) in the FEIR and that analysis is incorporated by reference herein.

(b) Construction noise impacts are generally localized and limited to each related project site and those areas proximal to those construction operations. Cumulative construction noise impacts will be generally localized to each such project and the roadway network along which construction traffic travels.

(c) As traffic volumes in the general project area increase over time, those areas located in proximity to the area's arterial highway system will experience increased traffic noise. Existing roadway volumes would, however, need to double in order to produce a perceptible noise increase.

(d) Large-scale projects that contribute substantially to traffic volumes along the area's arterial highway system are subject to CEQA compliance. Similarly, the noise element of each agency's general plan specifies those roadways that are subject to excessive noise levels. As deemed appropriate, beyond those requirements already imposed by each agency's noise ordinance, land-use entities have the ability to impose additional mitigation measures and/or conditions of approval on each project in order to reduce potential short-term and long-term traffic noise impacts.

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

5.9 Public Services and Facilities

5.9.1 Environmental Effect: During construction, heavy equipment, materials, and other items of value will be brought to the project site. As buildings are erected, prior to site occupancy, structures may remain unsecured and susceptible to unauthorized entry. The presence of an unsecured site and items of value could result in theft and vandalism that could increase demands upon law enforcement agencies (Public Services Impact 9-1).

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

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

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

5.9.2 Environmental Effect: Project implementation will result in the introduction of equipment, materials, and manpower into a County-designated fire hazard area prior to the provision of water system improvements designated to respond to on-site and near-site fire hazards (Public Services Impact 9-2).

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

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

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

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

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

5.9.3 Environmental Effect: The public school located closest to the project site is Castle Rock Elementary School (2975 Castle Rock Road). Construction activities could constitute an attractive nuisance to children located near or passing by the project site and construction traffic could impose a safety hazard to children and/or become disruptive to school activities and operations (Public Services Impact 9-3).

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

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

(a) Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Facilities) in the FEIR and that analysis is incorporated by reference herein.

(b) Since no substantial increase in the number of new households within the general project area would be anticipated in order to accommodate the project's construction, no direct construction-related impacts on WVUSD facilities have been identified.

(d) Construction traffic accessing the site from Cold Springs Road will cross Castle Rock Road in the vicinity of Castle Rock Elementary School. Construction vehicles will transport equipment, building materials, and could discharge construction debris along streets adjacent to established residential areas, including the school, where children would be present.

(e) Construction activities may present an attractive nuisance, defined as any condition which is unsafe or unprotected and, thereby, dangerous to children and which may reasonably be expected to attract children to the property and risk injury by playing with, in, or on it.

(f) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of standard conditions of approval (Conditions of Approval 6-2, 6-3, 6-4, and 9-6) restricting construction traffic along Castle Rock Road and Pasado Drive, requiring the preparation of a construction traffic safety plan and a traffic control plan, and requiring the fencing and signage of the construction site.

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

5.9.4 Environmental Effect: With a resident population of approximately 662 persons and an existing LACSD staffing ratio of one sworn officer for each 1,082 residents, in order to maintain existing staffing levels, the LACSD would need an additional 0.61 sworn deputies (Public Services Impact 9-4).

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

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

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

5.9.5 Environmental Effect: The introduction of 202 new residential dwellings and 153,985 square feet of new commercial use will increase existing demands on LACFD facilities, equipment, and personnel, predicating an incremental need for facility expansion, the purchase of new and/or replacement equipment, and contributing to the need for addition LACFD personnel (Public Services Impact 9-5).

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

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

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

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

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

5.9.6 Environmental Effect: Project implementation will increase enrollment within the Walnut Valley Unified School District by an estimated 31 new students, including approximately 11 new elementary school students (Grades K-6), 8 new junior high school students (Grades 7-9), and 12 new high school students (Grades 9-12) (Public Services Impact 9-6).

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

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

(a) Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Facilities) in the FEIR and that analysis is incorporated by reference herein.

(b) For the 2009-2010 school year, Castle Rock Elementary, Evergreen Elementary Schools, and South Pointe Middle School have the available capacity to accommodate 103, 117, and 62 additional students, respectively. Although no available capacity has been identified at Diamond Bar High School (a shortfall of 80 students is projected), any excess pupil enrollment at that facility will be temporarily housed in leased portable classrooms (in space made available by reducing existing programs and in space reconstructed on existing sites) until more permanent measures can be taken.

(c) As indicated in the WVUSD's current fee justification study, based on the application of the State-approved cohort survival method, it is estimated that student enrollment within the WVUSD will decrease from 15,485 Grade K-12 students in the fall of the 2008 school year to 15,414 students in the 2011 school year, representing an increase of 75 Grade K-6 students and a decrease of 79 Grade 7-12 students. Alternatively, based on the application of the pupil per dwelling unit multiplier method, it is estimated that student enrollment will increase from 15,485 Grade K-12 students in the fall of the 2008 school year to 15,599 students in the 2016 school year, representing an increase of 49 Grade K-6 students and an increase of 50 Grade 7-12 students.

(d) The WVUSD's current fee justification study concluded that no new school sites would need to be acquired and no new school facilities would need to be constructed to accommodate projected student population projections through at least 2023.

(e) Payment of applicable fees to the WVUSD or, alternatively, execution of an Assembly Bill (AB) 2926 mitigation agreement acceptable to the WVUSD constitutes full and complete mitigation of project-related impacts on the provision of school facilities from the proposed residential development.

(f) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 9-7) specifying that, prior to the issuance of building permits, the City be provided with a certificate of compliance or other documentation demonstrating complied with the District's School Board resolutions governing the payment of school impact fees

or has entered into an AB 2926 authorized school fee mitigation agreement or is not subject to the school impact fee exaction.

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

5.9.7 Environmental Effect: Project implementation will increase the resident population of the City, including the number of school-age children, incremental increasing existing spatial and resource demands placed on the Diamond Bar Public Library (Public Services Impact 9-7).

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

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

(a) Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Facilities) in the FEIR and that analysis is incorporated by reference herein.

(b) The Diamond Bar Library is 9,935 gross square feet in size and houses a collection consisting of 89,446 books and other library materials.

(c) The County Library's current service level guidelines for planning purposes are a minimum of 0.50 gross square foot of library facility space per capita and 2.75 items (books and other library materials) per capita. Based on an estimated service area population of 56,233 persons, as derived from United States Census data, the Diamond Bar Library would need a 28,115 square foot facility and 154,640 items in order to meet that standard.

(d) The proposed project is projected to add about 662 new residents to the City. That population increase would create additional demand for library service and would further affect the County Library's ability to adequately serve the existing and future residents of the Diamond Bar Library's service area. Based on the County Library's service level guidelines, based on project-related demand, the Diamond Bar Library would require an additional 331 gross square feet of facility space and an additional 1,820 new items (books and other library materials).

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

5.9.8 Environmental Effect: Project implementation will increase the resident population of the City of Diamond Bar and generate a projected need for 2.12 acres (approximately 92,390 square feet) of additional parkland within the City (Public Services Impact 9-8).

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

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

(a) Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Facilities) in the FEIR and that analysis is incorporated by reference herein.

(b) Section 21.32.040 (Park Land Dedications and Fees) in Chapter 21.32 (Subdivisions) of the Municipal Code provides for the dedication of real property and/or the payment of in-lieu fees to the City for park and recreational purposes.

In accordance therewith, the proposed 202 dwelling units (assuming the classification of those units as multi-family dwellings) would generate a need for 2.12 acres (approximately 92,390 square feet) of additional parkland within the City.

(c) As specified in Section 21.32.040(e)(2), only the payment of fees shall be required in subdivisions of 50 parcels or less, except that when a condominium project, stock cooperative, or community apartment project exceeds 50 dwelling units, dedication of land may be required even though the number of actual parcels may be less than 50. Although the proposed development plan does not include a public recreational component, the City is authorized to require real property dedication rather or in addition to the payment of park fees.

(d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 9-8) specifying that, prior to the approval of the final subdivision map, pursuant to Section 21.32.040 (Park Land Dedications and Fees) in Chapter 21.32 (Subdivisions) of the Municipal Code, in-lieu park fees shall be paid to the City in the manner and in the amount authorized thereunder.

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

5.9.9 Environmental Effect: The approval of other reasonably foreseeable future development projects within the general project area will increase existing demands on the Los Angeles County Sheriff's Department and on the Los Angeles County Fire Department, increase the number of school-aged children served by the Walnut Valley Unified School District, and increase the demand for park and recreational facilities within the City (Public Services Impact 9-9).

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

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

(a) Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Facilities) in the FEIR and that analysis is incorporated by reference herein.

(b) Based on a Statewide, regional, areawide, or local assessment of need, public agencies have the ability to construct new facilities, purchase new equipment, and add personnel in response to identified demand. Local agencies have the ability to deny or condition individual development applications based on their assessment of potential project-related impacts upon law enforcement and fire protection agencies, facilities, and personnel. Public agencies have the ability to respond to those changes through increases or decreases in annual budgetary allocations provided to police and fire protection agencies, including the LACSD and LACFD.

(c) As indicated in the WVUSD's current fee justification study, based on the application of the State-approved cohort survival method, it is estimated that student enrollment within the WVUSD will decrease from 15,485 Grade K-12 students in the fall of the 2008 school year to 15,414 students in the 2011 school year, representing an increase of 75 Grade K-6 students and a decrease of 79 Grade 7-12 students. Alternatively, based on the application of the pupil per dwelling unit multiplier method, it is estimated that student enrollment will

increase from 15,485 Grade K-12 students in the fall of the 2008 school year to 15,599 students in the 2016 school year, representing an increase of 49 Grade K-6 students and an increase of 50 Grade 7-12 students.

(d) The WVUSD's current fee justification study concluded that no new school sites would need to be acquired and no new school facilities would need to be constructed to accommodate projected student population projections through at least 2023.

(e) All qualifying residential and non-residential development projects located within the WVUSD's district boundaries are required to pay school impact fees. Notwithstanding the findings of the WVUSD's fee justification analysis, the payment of applicable school impact fees or the execution of an AB 2926 mitigation agreement constitutes full and complete mitigation for project-related impacts on WVUSD facilities.

(f) In November 2007, the area's voters approved General Obligation Bond Measure S ($64.6 million Academic Facilities Measure) and Measure Y ($15.2 million Physical Education Facilities Measure). As a result of those ballot measures, WVUSD schools will receive needed repairs and upgrades.

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

5.10 Utilities and Service Systems

5.10.1 Environmental Effect: Wastewater collection facilities do not presently exist on the project site and will not be available until the infrastructure improvements required to accommodate the proposed land uses are constructed (Utilities and Service Systems Impact 10-1).

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

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

(a) Project-related and cumulative utilities and service systems impacts are addressed in Section 4.10 (Utilities and Service Systems) in the FEIR and that analysis is incorporated by reference herein.

(b) The provision of potable water and toilet facilities is required under United States Department of Labor Occupational Safety and Health Administration (OSHA) (29 CFR 1926.51) and California Department of Industrial Relations, Division of Industrial Safety (Cal/OSHA) (Section 1524-1526, CCR) standards.

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

5.10.2 Environmental Effect: The project's residential and commercial components are projected to generate approximately 89,435 gallons of wastewater per day (0.09 mgd). Applying a peaking factor of 2.7, the peaked flow rate would be about 241,475 gallons of wastewater per day (0.25 mgd) (Utilities and Service Systems Impact 10-2).

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

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

(a) Project-related and cumulative utilities and service systems impacts are addressed in Section 4.10 (Utilities and Service Systems) in the FEIR and that analysis is incorporated by reference herein.

(b) The County Sanitation Districts of Los Angeles County (CSDLAC or Districts) has formulated average wastewater generation rates for a variety of land uses. The CSDLAC projects that for "condominium" units, each unit will generate approximately 195 gallons of wastewater per day (gpd). Based on that generation rate, the project's 202 dwelling units are projected to generate approximately 39,390 gpd of wastewater or 0.04 million gallons per day (mgd).

(c) For the purpose of this analysis, a "shopping center" has been assumed. The CSDLAC's sewage generation rate for a "shopping center" is estimated to be 325 gallons/day/1,000 square feet (ft^2). Based on shopping center containing 153,985 gross leasable square feet, an estimated 50,045 gpd (0.05 mgd) of wastewater would be generated daily. When projected residential and commercial wastewater estimates are combined, approximately 89,435 gpd (0.09 mgd) of wastewater would be generated daily.

(d) Peak daily flow rates are higher than daily rates and serve as the basis for facility planning. Applying a peaking factor of 2.7, the peak flow rate would be about 241,475 gpd (0.25 mgd).

(e) The project generally gravity flows sewage toward the west portion of the property. The wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by the CSDLAC, for conveyance to the Districts No. 21 Outfall Trunk Sewer, located in Brea Canyon Road at Via Sorella. This 18-inch diameter trunk sewer has a design capacity of 12.3 mgd and conveyed a peak flow of 4.9 mgd when last measured in 2005. Assuming that peak flow rates have not changed substantially since 2005, even with the proposed project's projected contribution (0.25 mgd), sufficient capacity exists in the Districts No. 21 Outfall Truck Sewer to readily accommodate the proposed development.

(f) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 10-1) specifying that, prior to the issuance of any grading permits, a sewer area study, prepared by a licensed civil engineer registered in the State of California, be submitted to and approved by the City Engineer and the County.

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

5.10.3 Environmental Effect: Implementation of the proposed project and other related projects would impose cumulative impacts on those sewage collection and disposal facilities located in the general project area (Utility and Service Systems Impact 10-3).

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

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

(a) Project-related and cumulative utilities and service systems impacts are addressed in Section 4.10 (Utilities and Service Systems) in the FEIR and that analysis is incorporated by reference herein.

(b) At the project-specific level, local agencies require project proponents to assess

the impacts of proposed projects on existing sewer facilities, on an as-needed basis. Those analyses are conducted to identify any site-specific or project-specific improvements that may be required to the local and/or CSDLAC's sewer systems that may be needed to handle increased sewage flows attributable to each project. As required, all related projects must construct any requisite local wastewater improvements needed to handle their respective flows.

(c) CSDLAC facilities are sized and improvements phased to serve population and economic development in accordance with forecasts adopted by SCAG. Projects that are consistent with SCAG growth forecasts can be adequately served by existing and planned CSDLAC facilities.

(d) In order to fund planned improvements, each new project within the County is required to pay connection fees to the CSDLAC. These fees are used to finance future expansions and upgrades to the regional trunk sewer system and wastewater treatment facilities.

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

5.11 Cultural Resources

5.11.1 Environmental Effect: Construction activities can result in the irretrievable loss or damage to any prehistoric, historic, or paleontological resources that may exist within the area of proposed disturbance (Cultural Resources Impact 11-1).

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

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

(a) Project-related and cumulative cultural resources impacts are addressed in Section 4.11 (Cultural Resources) in the FEIR and that analysis is incorporated by reference herein.

(b) Information and analysis concerning the existing cultural resources setting, including an assessment of project-related impacts, is presented in "Phase I Cultural and Paleontological Resource Assessment of the Proposed Site D Development, Los Angeles County, California" (PCR Services Corporation, January 24, 2008).

(c) No prehistoric archaeological resources have been previously recorded within one mile of the project site and no prehistoric resources were identified on the subject property during the pedestrian survey.

(d) Results of the historic aerial photograph and topographic map review revealed that a structure (HS-1) was once located within the boundaries of the project site that was associated with the historic Diamond Bar Ranch Headquarters Compound. The Compound included the residence of Frederick E. Lewis, who owned and operated the Diamond Bar Ranch. There is a moderate potential for the site to retain buried domestic or ranch maintenance components such as trash pits, privy holes, and similar features.

(e) Results of the pedestrian survey revealed the identification of a historical archaeological site, consisting of more than 15 non-native eucalyptus trees and concrete debris concentration likely associated with the former location of HS-1. The significance of that site with respect to CEQA is considered to be undetermined.

(f) Based on the potential presence of significant cultural resources impacts, a number of mitigation measures (Mitigation Measures 11-1 through 11-3) have been included in the FEIR and adopted or likely to be adopted in the MRMP requiring that, prior to the issuance of a grading permit, a qualified archaeologist be retained to monitor all vegetation removal and ground disturbance to a depth of three feet within specified areas. If cultural resources are identified during monitoring of the ground disturbing activities, the archaeologist shall temporarily divert or redirect grading or excavation activities in the vicinity of those resources in order to make an evaluation of the find and determine appropriate treatment. If human remains are encountered unexpectedly during construction excavation and grading activities, Section 7050.5 of the Health and Safety Code (HSC) requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Section 5097.98 of the PRC. Implementation of those measures will reduce identified impacts to below a level of significance.

5.11.2 Environmental Effect: Ground disturbance activities could result in impacts to on-site paleontological resources, including fossil remains, from the Puente Formation (Cultural Resources Impact 11-2).

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

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

(a) Project-related and cumulative cultural resources impacts are addressed in Section 4.11 (Cultural Resources) in the FEIR and that analysis is incorporated by reference herein.

(b) Results of the paleontological resources records search revealed that the study area is underlain by the Puente Formation (also known as the Monterey Formation in the region), which is a formation known to contain diverse and well-preserved marine vertebrate fossils. The results of the pedestrian survey confirmed the exposure of the Puente Formation on the project site identified four fossil localities in backdirt piles from geotechnical core sampling. The project site is considered to be highly sensitive for paleontological resources.

(c) Based on the potential presence of significant cultural resources impacts, a number of mitigation measures (Mitigation Measures 11-4 through 11-8) have been included in the FEIR and adopted or likely to be adopted in the MRMP requiring that, prior to the issuance of a grading permit, a qualified paleontologist meeting the qualifications established by the Society of Vertebrate Paleontologists be retained to develop and implement a paleontological monitoring plan. A paleontological monitor, supervised by the paleontologist, shall monitor all excavations in the Puente Formation or excavations anticipated to extend into the Puente Formation. The paleontologist shall prepare a final report on the monitoring. If fossils were identified, the report shall contain an appropriate description of the fossils, treatment, and curation. A copy of the report shall be filed with the City and the Natural History Museum of Los Angeles County and shall accompany any curated fossils. Implementation of those measures will reduce identified impacts to below a level of significance.

5.11.3 Environmental Effect: Grading activities conducted on other sites located within the general project area could result in impacts to any historic or prehistoric resources that

may be located thereupon. In addition, earth-moving activities conducted on other undisturbed sites containing the Puente Formation could result in the loss of recoverable paleontological resources (Cultural Resources Impact 11-3).

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

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

(a) Project-related and cumulative cultural resources impacts are addressed in Section 4.11 (Cultural Resources) in the FEIR and that analysis is incorporated by reference herein.
(b) All cumulative project activities remain subject to site-specific environmental review and must fully conform to and comply with all applicable local, State, and federal requirements. Compliance with those requirements will ensure that all related project-specific and cumulative impacts upon prehistoric, historic, and paleontological resources are mitigated to a less-than-significance level.
(c) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no standard conditions or mitigation measures are recommended or required.

5.12 Aesthetics

5.12.1 Environmental Effect: Excluding those areas that will be retained as open space, the project site will take on a distinctively urban physiographic character as existing vegetation is removed, construction equipment introduced onto the site, hillside areas recontoured, new uses are introduced, and other physical modifications occur (Aesthetic Impact 12-1).

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

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

(a) Project-related and cumulative aesthetics impacts are addressed in Section 4.12 (Aesthetics) in the FEIR and that analysis is incorporated by reference herein.
(b) The proposed development will consist of three mass-graded "super pads," including one proposed commercial pad (with an area of about 10.09 acres) and two proposed residential pads (ranging in area from about 4.02 to 6.05 acres). The pads will be developed by balanced cut and fill grading. Cuts will range from less than five feet to about 40 feet high. Fill slopes will range in height from a few feet to approximately 60 feet down-slope from the upper residential pad to Diamond Bar Boulevard.
(c) City policies encourage the use of contour grading and landform grading techniques in order to create more naturalized engineered slope areas. Proposed grading activities seek to apply these contour grading principals to the proposed engineered slope areas, creating, where practical, curvilinear features that produce a visual transition between engineered and natural open space areas.
(d) Although construction is short-term in duration, it serves as precursors to the long-term visual changes that will occur as a result of those activities. During development, construction activities may appear disharmonious with the current perception of the existing property as an open-space area. At the end of the

construction term, the site will take on a distinctively urban character and shall generally be perceived as an urban use.

(e) Based on the City's interpretation and general application of the visual resource assessment methodology outlined in the Bureau of Land Management's (BLM) "Visual Resource Management Program" (BLM, 1986), construction-induced changes would be considered adverse but less than significant.

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

5.12.2 Environmental Effect: The project's implementation will alter the site's existing topography and necessitate the construction of numerous retaining walls (Aesthetic Impact 12-2).

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

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

(a) Project-related and cumulative aesthetics impacts are addressed in Section 4.12 (Aesthetics) in the FEIR and that analysis is incorporated by reference herein.

(b) Variable height Loffel (Loffelstein) retaining walls, ranging from several feet to about 23 feet high, are proposed near the mid-slope of the 2:1 fill slopes between each of the super pads. Although the proposed retaining walls exceeds the height limitations specified in Sections 22.20.040, 22.22.080(b)-(c), and 22.52.020 of the Municipal Code, the proposed walls would be authorized under the provisions of the proposed specific plan.

(c) Large retaining walls, absent integrated landscaping and irrigation, can become dominant visual elements that produce a sharp contrast between retained natural features and introduced cultural modifications. All walls over eight feet in height are cribwalls designed to incorporate landscaping as an integral design element.

(d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 12-1) specifying that the specific plan include design details, acceptable to both the City Engineer and to the Community Development Director, for all proposed retaining walls. Retaining wall plans shall include landscape and irrigation details sufficient to ensure that each of those elements are, as appropriate, integrated into wall design and that the interrelationship between those elements are considered from structural integrity and aesthetic viewpoints.

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

5.12.3 Environmental Effect: The introduction of new residential and commercial uses will add new sources of artificial lighting to the project site and could result in light trespass extending beyond the project boundaries (Aesthetic Impact 12-3).

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

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

(a) Project-related and cumulative aesthetics impacts are addressed in Section 4.12 (Aesthetics) in the FEIR and that analysis is incorporated by reference herein.

(b) The Illuminating Engineering Society of North America (IESNA) has established recommended outdoor lighting illumination levels. Lighting that conform to those standards would be assumed to produce a less-than-significant impact.

(c) As defined by the IESNA and the International Darksky Association (IDA), a widely used light trespass standard specifies that an appropriate standard is to limit the exterior lighting originating on a property to a maximum of 0.5 horizontal foot candles (HFC) at a distance of 25 feet beyond the property lines.

(d) Based on the potential presence of significant aesthetic impacts, a mitigation measure (Mitigation Measure 12-1) have been included in the FEIR and adopted or likely to be adopted in the MRMP requiring that pole-mounted or wall-mounted luminaires installed for the purpose of illuminating commercial areas, parking lots, roadways, and driveways, conform to appropriate lighting standards and demonstrate that light trespass not exceed 0.5 HFC, as measured at the project boundaries abutting any existing residential use. Implementation of that measure will reduce identified impacts to below a level of significance.

5.12.4 Environmental Effect: Much of the San Gabriel Valley is already highly urbanized and the area's remaining open-space areas take on greater visual significance as a respite to the dominance of urban development (Aesthetic Impact 12-4).

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

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

(a) Project-related and cumulative aesthetics impacts are addressed in Section 4.12 (Aesthetics) in the FEIR and that analysis is incorporated by reference herein.

(b) The City and other municipalities located within the County formulate long-range planning documents with the intent of directing development and redevelopment activities to those areas most conducive to growth, based on a variety of planning considerations. Separate formal planning and environmental review processes exist when a development proposal seeks to modify those adopted long-range plans.

(c) No development is authorized to occur in the absence of compliance with adopted agency plans and policies and in the absence of appropriate environmental review. Compliance with and conformity to adopted plans and policies helps to mitigate the potential cumulative impacts produced by the visual changes to existing landscapes associated with future development and redevelopment activities. While the further intensification of the region may constitute an adverse impact, the incremental and inevitable changes resulting from those activities would not be deemed a significant cumulative impact on the region's existing visual resources.

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

5.13 Growth Inducement

5.13.1 Environmental Effect: Because the project includes both an amendment to the "City of Diamond Bar General Plan" and the adoption of a specific plan, the project may result in

on-site development activities that exceed current development assumptions and necessitate the provision of unplanned services and facilities beyond the project boundaries (Growth Inducement Impact 13-1).

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

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

(a) Project-related and cumulative growth-inducing impacts are addressed in Section 4.13 (Growth Inducement) in the FEIR and that analysis is incorporated by reference herein.
(b) California State law requires that every city and county prepare and adopt a long-term, comprehensive general plan for its future development. The general plan serves as a "constitution for development" and the foundation upon which all land-use decisions in a city or county are to be based.
(c) Implementation of the proposed project will change existing land-use policies with regards to the allowable use of the project site, resulting in an intensification of uses within the City beyond that now envisioned in the City General Plan. Since planning for public services is, in whole or in part, based on existing and projected demands for those services, changes in public land-use policies have the potential to impose additional unplanned demands upon those services and facilities.
(d) Although the site is designated for public facilities, the public facility provider which owns the majority of the project site has declared the property to be surplus and not required for public facility use. As such, although project implementation will result in a modification to existing land-use policies, the resulting use is not anticipated to necessitate the provision of unplanned services and facilities beyond the project boundaries.
(e) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

5.13.2 Environmental Effect: (Growth Inducement Impact 13-2).

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

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

(a) Project-related and cumulative growth-inducing impacts are addressed in Section 4.13 (Growth Inducement) in the FEIR and that analysis is incorporated by reference herein.
(b) The construction of 202 dwelling units and the introduction of 153,985 square feet of commercial use will increase the City's population by an estimated 662 individuals and directly create an estimated 462 new permanent jobs.
(c) The size and duration of the proposed project is not sufficient to predicate any substantial in-migration of new workers into the general project area. The project's incremental contribution to localized, regional, and national employment opportunities would not create substantial significant secondary impacts.

(d) Project implementation will, therefore, not result in the removal of economic, physical, and/or political constraints affecting either the project site or other near-site properties.

(e) With the exception of off-site traffic improvements, the project does not include the expansion of any infrastructure systems that would accommodate additional off-site development. The traffic improvements identified as mitigation measures herein serve to accommodate the proposed project, ambient growth, and other related projects.

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

6.0 FINDINGS REGARDING MITIGATION REPORTING AND MONITORING PROGRAM

The City Council has adopted or will likely adopt the MRMP set forth in the FEIR. The City Council hereby finds that the MRMP meets the requirements of Section 21081.6 of CEQA and Sections 15097 and 15126.4 of the State CEQA Guidelines.

7.0 FINDINGS REGARDING PROJECT ALTERNATIVES NOT SELECTED FOR IMPLEMENTATION

The City Council recognizes that the SDSP will result in significant unavoidable environmental impacts that cannot be feasibly reduced to below a level of significance. The City Council finds that: (1) due to specified economic, legal, social, technological, and other considerations, each of the project alternatives examined in the FEIR are infeasible; (2) each of the project alternatives examined in the FEIR will not fulfill the identified project's stated objectives; and/or (3) each of the project alternatives examined in the FEIR will not feasibly result in the avoidance of any of the unmitigable significant or potentially significant environmental impacts associated with the proposed project.

7.1 Alternative No. 1 ("No Project" Alternative)

Alternative Project Description: Under this alternative no physical changes to the project site would occur, the property would be remain in its present condition, and no new development activities or other public improvements would occur thereupon. No grading or other landform modifications would occur. Maintenance activities, including weed abatement, would routinely be performed and the existing level of use would continue generally in the manner now experienced. In keeping with the general intent of this alternative, one possible variation would involve the use of a sufficient portion of the City Property to allow for the development of street improvements to the Brea Canyon Road/Diamond Bar Boulevard intersection.

Comparison of the Effects of the Alternative to the Effects of the Proposed Project: The City Council finds that the "No Project" alternative" is "environmentally superior" to the proposed project since it would, at least in the short term, result in the avoidance of those significant construction, operational, and cumulative air quality impacts associated with the proposed project.

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

(a) The City's analysis of project alternatives is presented in Section 6.0 (Alternatives Analysis) in the FEIR and that analysis is incorporated by reference herein.

(b) Under this alternative, no new housing units and no new commercial square footage would be constructed on the project site.

(c) The "no project" alternative generally reflects the conditions and associated environmental impacts that would predictably occur should the Lead Agency elect to either deny the proposed project or fail to take affirmative action on the proposed application, resulting in, at least, the short-term retention of the site in its existing condition. The denial of the current development application or the cessation of current process would, however, neither preclude the submission of a subsequent development application either by the current project proponent or another party nor ensure the site's retention as an open space area.

(d) With regards to construction air quality impacts, under the proposed project, combined emissions or reactive organic gases (ROG) were estimated at 136.02 pounds/day. Since that value exceeds the SCAQMD's recommended threshold criteria, construction impacts would be deemed to be significant. Since, under the "no project" alternative, no development would occur on the site, construction emissions would be eliminated and short-term air quality impacts would be reduced to a less-than-significant level.

(e) With regards to operational air quality impacts, the proposed project is projected to create ROG, oxides of nitrogen (NOx), and carbon dioxide (CO) emissions in excess of SCAQMD's suggested daily threshold criteria. Since, under the "no project" alternative, no development would occur on the project site, operational emissions would be eliminated and long-term air quality impacts would be reduced to a less-than-significant level.

(f) With regards to cumulative air quality impacts, independent of the Lead Agency's actions concerning the project site, related project activities will continue to incrementally contribute to regional air emissions within the SCAB. However, since site-specific contributions will not add to those conditions, cumulative air quality impacts would be deemed to be less than significant.

Effectiveness in Meeting Project Objectives: The City Council finds that the "No Project" alternative would not substantially meet the stated project objectives.

Feasibility: Although a substantial portion of the project site is owned by the District, the District has declared the District Property surplus and seeks to dispose of their real property holdings in order to raise funds for other eligible expenditures. As stipulated in the MOU between the City and the District, upon the approval of the specific plan for the development of Site D (if such approval were to occur), the "District agrees to use its best efforts to sell the School Property as entitled by the City for the fair market value, in accordance with the provisions of California Education Code commencing with Section 17455. City agrees to use its best efforts to sell the City Property for the fair market value. The parties agree to cooperatively work with each other to coordinate the sale of Site D." In the absence of public and/or private purchase of the project site for the purpose of open space preservation, there exists no mechanism to ensure the long-term preservation of the project site in an undeveloped condition. As a result, absent that participation, the "No Project" alternative is deemed to be infeasible.

7.2 Alternative No. 2 ("Public Facilities" Alternative)

Alternative Project Description: The District Property is presently designed "Public Facilities (PF)" in the General Plan. Although there exists no corresponding zoning designation which relates exclusively to public facilities, this alternative is predicated upon the geographic expansion of that General Plan designation across the entire project site and the development of the property in accordance with the declared intent of that General Plan designation. For the purpose of this alternatives analysis, under this alternative, it is assumed that the estimated developable area of the project site (20.2 acres) is developed at a floor-area-ratio of 0.25. Under this alternative, a total of 220,000 square feet of public facilities use would be developed on the project site. For the purpose of CEQA compliance, the FEIR assumed the sale of the project site to a private entity, such as a religious organization or operator of a parochial school.

Under this alternative, the project site would be developed to include a 73,000 square foot (500-student) private school and a 147,000 square foot (2,500-seat) church. A fellowship area would be developed within the sanctuary building which would be made available for public use as a banquet facility. Improvements would include a parochial school campus, including classrooms, library, and approximately 12,000 square foot (1,000-seat capacity) multi-purpose auditorium, outdoor recreational facilities, offices and administrative facilities, maintenance area, and caretaker's residence. The gymnasium would serve the private school and be available for the community for use after school hours, including after school programs administered by the Boys and Girls Club or similar organization. In addition, once operational, other on-site activities are assumed to include non-residential child-care services, family-care services, activities and uses catering to youth groups, music and drama ministries, counseling, prayer meetings, bible study, nutrition programs, homeless outreach and assistance programs, and other associated educational, job training, and community services activities. The campus would also contain 6,000 square feet of retail uses (book store).

Comparison of the Effects of the Alternative to the Effects of the Proposed Project: The City Council finds that the "Public Facilities" alternative is "environmentally superior" to the proposed project since it would result in the avoidance or substantial reduction of those significant operational air quality impacts associated with the proposed project.

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

(a) The City's analysis of project alternatives is presented in Section 6.0 (Alternatives Analysis) in the FEIR and that analysis is incorporated by reference herein.

(b) Implementation of this alternative will result in the generation of approximately 2,478 daily vehicle trips during a typical weekday, including 336 AM peak-hour trips. In comparison, the proposed project is forecast to generate approximately 9,276 daily two-way vehicle trips, including 272 trips during the weekday AM and 650 trips during the PM peak hours.

(c) Based on the nature of this alternative, trip generation characteristics would differ between weekdays and on Sunday. Based on the Sunday operation, this alternative would generate approximately 5,508 daily (Sunday) vehicle trips, including 1,412 AM peak-hour trips. In comparison, the proposed project is forecast to generate approximately 9,276 daily two-way vehicle trips, including 272 trips during the weekday AM and 650 trips during the PM peak hours.

(d) With regards to construction air quality impacts, under the proposed project, combined emissions or ROG were estimated at 136.02 pounds/day. Since this value exceeds the SCAQMD's recommended threshold criteria, construction impacts would be deemed to be significant. Although, under this alternative, on-site development activities may be reduced (220,000 square feet of public facility use as compared to 153,985 square feet of neighborhood-serving commercial use and 202 dwelling units), maximum daily construction activities would be anticipated to be similar. As a result, construction air quality impacts would be assumed to be similar to those associated with the proposed project and would remain significant.

(e) With regards to operational air quality impacts, the proposed project is projected to create ROG, NOx, and CO emissions in excess of the SCAQMD suggested daily threshold criteria. Implementation of this alternative would result in the generation of approximately 2,478 daily vehicle trips during a typical weekday (compared to 9,278 daily two-way vehicle trips associated with the proposed project), including 336 AM peak-hour trips (compared to 650 PM peak-hour trips associated with the proposed project). As a result, under this alternative, mobile source emissions would be substantially reduced. For the purpose of this alternatives analysis, it is assumed that operational air quality impacts would be reduced to a less-than-significant level.

(f) With regards to cumulative air quality impacts, related project activities, in combination with this alternative's construction and operation, would incrementally contribute to regional air emissions within the SCAB. Under the SCAQMD's recommended methodology, development activities that generate significant air quality impacts are also assumed to generate significant cumulative air quality impacts.

Effectiveness in Meeting Project Objectives: The City Council finds that the "Public Facilities" alternative would not substantially meet the stated project objectives to facilitate residential development on a minimum of 50 percent of the usable acreage, and commercial development on 50 percent of the usable acreage. Moreover, insofar as public facilities are owned and run by tax exempt entities, development pursuant to the "Public Facilities" alternatives would not only fail to provide a desirable level of sales tax revenue, but may also cause the property to be removed from the property tax rolls.

Feasibility: Excluding economic considerations which were not addressed in the FEIR, the City Council finds that the "Public Facilities" alternative is feasible.

7.3 Alternative No. 3 ("Community Commercial" Alternative)

Alternative Project Description: Under this alternative, the project site would be developed for commercial use in accordance with the "Neighborhood Commercial (C-1)" standards outlined in Chapter 22.10 (Commercial/Industrial Zoning Districts) of the Municipal Code. As specified in Section 22.10.020 (Purpose of Commercial/Industrial Zoning Districts) therein, the C-1 zoning district is applied to areas appropriate for a wide range of retail shopping and service uses, primarily intended to serve the needs of City residents. The allowable floor-area-ratio (FAR) for non-residential development shall be from 0.25 to 1.00 (Section 21.10.040). Based on a FAR of 0.35 applied to the estimated net acreage (20.2 net acres), a total of 307,969 square feet of commercial use would be developed on the project site. The site would be developed as a multi-tenant center including one or more "big-box" uses and a number of out-pads. Except as provided in

the Municipal Coe, building heights would not exceed 35 feet. On-site parking would be provided at a ratio of one space for each 300 square feet of gross floor area plus one space for each 1,000 square feet of outdoor display area (Section 22.30.030). The alternative-specific grading plan could closely replicate that associated with the SDSP.

Comparison of the Effects of the Alternative to the Effects of the Proposed Project: The City Council finds that the "Community Commercial" alternative is not "environmentally superior" to the proposed project since it would not result in the avoidance or substantial reduction of those significant construction, operational, and cumulative air quality impacts associated with the proposed project.

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

(a) The City's analysis of project alternatives is presented in Section 6.0 (Alternatives Analysis) in the FEIR and that analysis is incorporated by reference herein.

(b) With regards to construction air quality impacts, under the proposed project, combined emissions or ROG were estimated at 136.02 pounds/day. Since this value exceeds the SCAQMD's recommended threshold criteria, construction impacts would be deemed to be significant. Under this alternative, on-site development activities may be increased (307,969 square feet of neighborhood-serving commercial use as compared to 153,985 square feet of comparable commercial use and 202 dwelling units). However, because mass grading of the project site would be required to create building pads and an on-site circulation system, maximum daily construction activities would be anticipated to be similar. As a result, construction air quality impacts would be assumed to be similar to those associated with the proposed project and would remain significant.

(c) With regards to operational air quality impacts, the proposed project is projected to create ROG, NOx, and CO emissions in excess of the SCAQMD suggested daily threshold criteria. Under this alternative, the resulting retail shopping center is projected to generate substantially greater volumes of peak hour and daily vehicle trips that the proposed residential and commercial development. Notwithstanding the elimination of 202 dwelling units, the doubling of the square footage of on-site commercial uses would result in a net increase in the number of peak hour and daily vehicle trips generated under this alternative. Based on that increase in alternative-related traffic, operational air quality impacts would be projected to remain significant.

(d) With regards to cumulative air quality impacts, related project activities, in combination with this alternative's construction and operation, would incrementally contribute to regional air emissions within the SCAB. Under the SCAQMD's recommended methodology, development activities that generate significant air quality impacts are also assumed to generate significant cumulative air quality impacts.

Effectiveness in Meeting Project Objectives: The City Council finds that the "Community Commercial" alternative would not substantially meet the stated project objectives in that it would not provide for the requisite percentage of residential development.

Feasibility: Excluding economic considerations which are not addressed in the FEIR, the City Council finds that the "Community Commercial" alternative is feasible.

7.4 Alternative No. 4 ("Low-Density Residential" Alternative)

Project Description: The eastern portion of the project site is zoned "Low Density Residential (R-1-7,500)" on the City's Official Zoning Map. This alternative is predicated upon the geographic expansion of the "Low Density Residential (RL)" zoning designation within the estimated developable area of the project site (20.2 net acres) at a density of 3 dwelling units per acre. Under this alternative, a total of about 60 single-family detached and/or single-family attached units would be developed on the project site. Under this alternative, the alternative-specific grading plan could closely replicate that associated with the SDSP.

Comparison of the Effects of the Alternative to the Effects of the Proposed Project: The City Council finds that the "Low-Density Residential" alternative is "environmentally superior" to the proposed project since it would result in the avoidance or substantial reduction of those significant operational air quality impacts associated with the proposed project.

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

(a) The City's analysis of project alternatives is presented in Section 6.0 (Alternatives Analysis) in the FEIR and that analysis is incorporated by reference herein.

(b) With regards to construction air quality impacts, under the proposed project, combined emissions or ROG were estimated at 136.02 pounds/day. Since this value exceeds the SCAQMD's recommended threshold criteria, construction impacts would be deemed to be significant. Under this alternative, on-site development activities may be substantially decreased (60 dwelling units compared to 153,985 square feet of commercial use and 202 dwelling units). However, because mass grading of the project site would be required to create building pads and an on-site circulation system, maximum daily construction activities would be anticipated to be similar. As a result, construction air quality impacts would be assumed to be similar to those associated with the proposed project and would, therefore, remain significant.

(c) With regards to operational air quality impacts, the proposed project is projected to create ROG, NOx, and CO emissions in excess of the SCAQMD suggested daily threshold criteria. Residential projects generate substantially lower volumes of peak hour and daily vehicle trips that comparably sized retail shopping center projects. Similarly, although some differences exist based on the type of residential development proposed, projects with fewer dwelling units can be assumed to generate a lesser number of peak hour and daily vehicle trips that projects with a greater number of dwelling units. As a result, under this alternative, mobile source emissions would be substantially reduced. For the purpose of this alternatives analysis, it is assumed that operational air quality impacts would be reduced to a less-than-significant level.

(d) With regards to cumulative air quality impacts, related project activities, in combination with this alternative's construction and operation would incrementally contribute to regional air emissions within the SCAB. Under the SCAQMD's recommended methodology, development activities that generate significant air quality impacts are also assumed to generate significant cumulative air quality impacts.

Effectiveness in Meeting Project Objectives: The City Council finds that the "Low-Density Residential" alternative would not substantially meet the stated project objectives in that it would not provide for the requisite percentage of commercial development. Moreover, as a result of Diamond Bar's very limited land inventory, a low density alternative would not only cause the City to lose substantial ground in fulfilling its housing growth need on a site properly suited for higher density housing, but it would increase the burden on other available and potentially available (i.e. those which need to be rezoned during the current Housing Element period) sites to reach the City's RHNA targets.

Feasibility: Excluding economic considerations which are not addressed in the FEIR, the City Council finds that the "Low-Density Residential" alternative is feasible.

7.5 Alternative No. 5 ("High-Density Residential" Alternative)

Project Description: Under this alternative, the project site would be developed for residential use in accordance with the "High Density Residential" (RH)" standards outlined in Chapter 22.08 (Residential Zoning Districts) of the Municipal Code. As specified, the maximum allowable density in this district is 20 dwelling units per acre. Based on the estimated net acreage (20.2 net acres), a total of approximately 404 dwelling units could be constructed on the property. Under this alternative, the alternative-specific grading plan could closely replicate that associated with the SDSP.

Comparison of the Effects of the Alternative to the Effects of the Proposed Project: The City Council finds that the "High-Density Residential" alternative is "environmentally superior" to the proposed project since it would result in the avoidance or substantial reduction of those significant operational air quality impacts associated with the proposed project.

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

(a) The City's analysis of project alternatives is presented in Section 6.0 (Alternatives Analysis) in the FEIR and that analysis is incorporated by reference herein.

(b) As stipulated in Section 22.22.040 (Density) of the Municipal Code, the maximum number of units that may be allowed on a given parcel subject to the hillside management ordinance is calculated in compliance with specified requirements. In accordance with the City's hillside management ordinance, a maximum of 524 dwelling units can be constructed within the project area. The number of dwelling units that would be constructed under this alternative (404 units) is less than the number allowable under the City's hillside management ordinance.

(c) Implementation of this alternative will result in the generation of approximately 2,368 daily vehicle trips during a typical weekday, including 178 AM peak-hour trips and 210 PM peak-hour trips. In comparison, the proposed project is forecast to generate approximately 9,276 daily two-way vehicle trips, including 272 trips during the weekday AM and 650 trips during the PM peak hours.

(d) With regards to construction air quality impacts, under the proposed project, combined emissions or ROG were estimated at 136.02 pounds/day. Since this value exceeds the SCAQMD's recommended threshold criteria, construction impacts would be deemed to be significant. Under this alternative, on-site development activities would consist of 404 attached dwelling units, compared to

153,985 square feet of neighborhood-serving commercial use and 202 dwelling units. Because mass grading of the project site would be required to create building pads and an on-site circulation system, maximum daily construction activities would be anticipated to be similar. As a result, construction-term air quality impacts would be assumed to be similar to those associated with the proposed project and would, therefore, remain significant.

(e) With regards to operational air quality impacts, the proposed project is projected to create ROG, NOx, and CO emissions in excess of the SCAQMD suggested daily threshold criteria. Because this alternative would generate substantially lower volumes of peak hour and daily vehicle trips that associated with the proposed project, mobile source emissions would be substantially reduced. For the purpose of this alternatives analysis, it is assumed that operational air quality impacts would be reduced to a less-than-significant level.

(f) With regards to cumulative air quality impacts, related project activities, in combination with this alternative's construction and operation would incrementally contribute to regional air emissions within the SCAB. Under the SCAQMD's recommended methodology, development activities that generate significant air quality impacts are also assumed to generate significant cumulative air quality impacts.

Effectiveness in Meeting Project Objectives: The City Council finds that the "High-Density Residential" alternative would not substantially meet the stated project objectives in that it would not provide for the requisite percentage of commercial development.

Feasibility: Excluding economic considerations which are not addressed in the FEIR, the City Council finds that the "High-Density Residential" alternative is feasible.

8.0 PROJECT BENEFITS

The City Council finds the proposed project would result in a number of identifiable community benefits. Those benefits include, but may not be limited to:

(1) Adoption of the proposed SDSP will serve to define the types of permitted and conditionally permitted land uses that the City Council believes to be appropriate for the project site and for the project setting, define reasonable limits to the type, intensity, and density of those uses, and establish the design and development standards for those uses.

(2) Adoption of the proposed SDSP will serve as a valuable regulatory tool for the systematic implementation of the City's General Plan.

(3) Adoption of the proposed SDSP will impose reasonable development controls and standards designed to ensure the integrated development of the project site.

(4) The proposed project will facilitate the District's efforts to sell surplus District Property by providing a subsequent purchaser reasonable certainty as to the type, intensity, and general configuration of allowable on-site land uses.

(5) Adoption of the proposed SDSP will optimize the benefits of the District sale of surplus District property for the benefit of its constituents and its educational mission.

(6) The proposed project will result in the production of 202 new housing units within the City, thus helping the City respond to the identified housing demand outlined in the current "Regional Housing Needs Assessment" (RHNA).

(7) The construction and sale of attached residential condominium units present future homebuyers with additional purchase options and price variations allowing homebuyers to better match housing choices with household needs and demands.

(8) The creation of a mixed-use development will promote the attainment or regional jobs-to-housing ratio objectives established by regional governmental entities and produce corresponding environmental benefits.

(9) Project approval will allow for the productive use of an underutilized property in the City's General Plan, convert a tax-exempt property to a private use, and introduce a land use that will generate sales and other taxes for the benefit of the City and its constituents.

(10) Improvements to the Diamond Bar Boulevard/Brea Canyon Road intersection will improve traffic flow in and through that intersection.

(11) Payment of school impact, park, and traffic impact fees and other exactions will facilitate the ability of the City and other agencies to undertake improvements to specific public facilities.

(12) Adoption of the SDSP will further the intent of SB 375 by facilitating horizontal mixed use with pedestrian connections between the residential and commercial components. Without transit infrastructure (other than bus routes), mixed use developments can play a greater role in local efforts to reduce VMT.

9.0 STATEMENT OF OVERRIDING CONSIDERATIONS

As described above, the proposed project would produce significant unavoidable adverse impact in the following three topical areas: (1) Air Quality (Construction Impact); (2) Air Quality (Operational Impact): and (3) Air Quality (Cumulative Impact). Each of those identified significant environmental effects will continue to manifest as significant impacts notwithstanding the City Council's adoption or likely adoption of those mitigation measures identified in the FEIR.

In order to determine whether the proposed project's potential environmental impacts are acceptably overridden by the project's anticipated benefits, Section 15093 of the State CEQA Guidelines requires the City to balance the potential benefits of the proposed project against the project's potential unavoidable significant environmental impacts.

The City Council finds that the previously stated benefits outweigh the significant unavoidable adverse environmental impacts of the proposed project. Each of the separate and distinct benefits of the proposed project is determined to be, in themselves and independently of any other identified benefit, a basis for overriding all unavoidable environmental impacts, as identified in these Findings.

The City Council has identified economic and social benefits and important public policy objectives that will result from implementation of the proposed project. The City Council has sought to balance these substantial economic and social benefits against the significant unavoidable adverse environmental effects of the proposed project. Given the substantial social and economic benefits that will accrue to the City, to the District, and to the region from the implementation of the proposed project, the City Council finds that the proposed project's identified benefits override the project's identified significant environmental impacts.

Table ES-2
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Biological Resources		
5-1	Jurisdictional Features. In order to reduce impacts to United States Army Corps of Engineers and Regional Water Quality Control Board (ACOE/RWQCB) and California Department of Fish and Game (CDFG) jurisdictional waters, prior to the issuance of a grading permit, the Applicant shall demonstrate, to the satisfaction of the Community Development Director, receipt of any discretionary permits and approval as may be required from the ACOE, RWQCB, and CDFG and commit to the provision of compensatory jurisdictional resources meeting or exceeding the following minimal standards: (1) the on-site and/or off-site replacement of ACOE/RWQCB jurisdictional waters and wetlands at a 2:1 ratio; (2) the on-site and/or off-site replacement of CDFG jurisdictional streambed and associated riparian habitat at a 2:1 ratio; and (3) the incorporation of design features into the proposed project's design and development.	Community Development Director	Issuance of Grading Permits
	Traffic and Circulation		
6-1	Prior to the recordation of the final tract map, the Applicant shall provide, to the satisfaction of the City Engineer, the intersection improvements identified in the traffic impact analysis or provide a "fair-share" contribution toward the cost of the improvements to the following intersections: (1) Brea Canyon Road (W) at Pathfinder Road; (2) Diamond Bar Boulevard at Pathfinder Road; (3) Brea Canyon Road at Cold Spring Lane; (4) Diamond Bar Boulevard at Cold Spring Lane; (5) Pathfinder Road at Brea Canyon Cutoff; (6) SR-57 SB Ramps at Brea Canyon Cutoff Road; (7) SR-57 NB Ramps at Brea Canyon Cutoff/Diamond Bar Boulevard; (8) Brea Canyon Road at Diamond Bar Boulevard; (9) Cherrydale Drive at Diamond Bar Boulevard; (10) Brea Canyon Road at Silver Bullet Drive; (11) Diamond Bar Boulevard at Grand Avenue; and (12) Colima Road at Brea Canyon Cutoff.	City Engineer	Final Tract Map Recordation
6-2	The final site plan shall include and accommodate those traffic measures, improvements, and such other pertinent factors and/or facilities as may be identified by the City Engineer to ensure the safe and efficient movement of project-related traffic.	City Engineer	Site Plan Approval
	Air Quality		
7-1	All non-residential paints shall contain no more than 0.22 pound/gallon (100 gram/liter) of volatile organic compound (VOC).	Community Development Director	Building Permit Issuance
7-2	The Applicant shall abide by any other air pollution reduction measures as may be approved by the City of Diamond Bar and/or by the South Coast Air Quality Management District.		Building Permit Issuance
7-3	Traffic lane improvements and signalization, as outlined in the traffic study, shall be implemented and will generally improve local traffic flow, thereby reducing emissions created in the project area.	City Engineer	Building Permit Issuance
7-4	To encourage the use of mass transportation, the Applicant shall place bus stop shelters at any bus stops situated or to be situated along any site frontage routes if not already so equipped.		Building Permit Issuance

Exhibit B

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

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

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

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

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

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

Attachment 2

PLANNING COMMISSION
RESOLUTION NO. 2010-XX

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

A. RECITALS

1. On July 1, 2007, the property owner/co-applicant, Walnut Valley School District, and property owner/co-applicant/lead agency, City of Diamond Bar, executed a Memorandum of Understanding whereby the parties agreed to collaborate in the planning of the future land use for the approximately 30.36-acre parcel property located at the southeast corner of Brea Canyon Road and Diamond Bar Boulevard, City of Diamond Bar, County of Los Angeles, California so that both parties may each advance their respective objectives for the disposition of the property;

2. The following approvals are requested to the City Council:

   (a) General Plan Amendment No. 2007-03 to change the land use designations from Public Facility (PF) and General Commercial (C) to Specific Plan (SP);

   (b) Zone Change No. 2007-04 to change the zoning districts from Low Density Residential (RL) and Neighborhood Commercial (C-1) to Specific Plan;

   (c) Specific Plan No. 2007-01 to adopt the Site D Specific Plan for the approximately 30.36 acre site to facilitate the development of a maximum of 202 residential; 153,985 gross sq. ft. of commercial; and approximately 8 acres of open space areas, easements, and rights-of-way;

   (d) Tentative Tract Map No. 70687 to establish separate residential, commercial, and open space parcels; create an internal circulation system and common open space areas; and establish easements and other rights-of-way for utility and other purposes; and

   (e) Environmental Impact Report 2007-02 to

certify the Final EIR, which provides a detailed analysis of potential environmental impacts associated with the development of the Specific Plan area.

3. In accordance to the provisions of the California Environmental Quality Act (CEQA), Section 15168 et seq., an Environmental Impact Report (EIR) has been prepared for the project which found that the proposed project may have remaining significant impacts that requires adoption of "Findings of Facts and Statement of Overriding Considerations." Per CEQA Guidelines Section 15090, the EIR is being reviewed concurrently with the approval of the General Plan Amendment No. 2007-03 and Zone Change No. 2007-04 and must be certified by the City Council before project approval;

4. In accordance with CEQA Guidelines Sections 15090 through 15093, a resolution recommending certification of the EIR, adoption of a mitigation reporting and monitoring program, and adoption of "Findings of Facts and Statement of Overriding Considerations" to the City Council for the project is being reviewed by the Planning Commission concurrently with this resolution;

5. The approval of Specific Plan No. 2007-01 (Site D Specific Plan) that is being reviewed concurrently with this project, includes a land use plan that divides the property into three sub-planning areas (Residential, Commercial, and Open Space/Circulation) and includes standards and guidelines for future development of the specific plan site;

6. Notification of the public hearing for this project was published in the San Gabriel Valley Tribune and the Inland Valley Daily Bulletin newspapers on April 2, 2010. Public hearing notices were mailed to property owners within a 1,000-foot radius of the project site and public notices were posted at the City's designated community posting sites. In addition to the published and mailed notices, the project site was posted with a display board and the notice was posted at three other locations within the project vicinity;

7. On April 13 and April 27, 2010, the Planning Commission of the City of Diamond Bar conducted a duly noticed public hearing, solicited testimony from all interested individuals, and concluded said hearing on that date;

8. The Planning Commission has determined that the proposed General Plan Amendment and Zone Change represents a consistent, logical, appropriate and rational land use designation and implementing tool that furthers the goals and objectives of the City General Plan; and

9. The documents and materials constituting the administrative record of the proceedings upon which the City's decision is based are located at the

City of Diamond Bar, Community Development Department, Planning Division, 21825 Copley Drive, Diamond Bar, CA 91765.

B. RESOLUTION

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

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

2. Based on the findings and conclusions set forth herein, the Planning Commission hereby finds and recommends as follows:

   a. City Council approval of a General Plan Amendment No. 2007-03 for the Site D Specific Plan based on the following finding, as required by Section 22.70.050 of the Municipal Code and in conformance with California Government Code Section 65358:

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

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

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

      - Land Use Element – Goal 2 states: Manage land use with respect to the location, density and intensity, and quality of

development. Maintain consistency with the capabilities of the City and special districts to provide essential services which achieve sustainable use of environment and manmade resources.

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

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

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

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

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

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

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

ensure that new residential community will coexist harmoniously with the adjoining, established neighborhoods.

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

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

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

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

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

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

- Public Health and Safety Element Vision Statement states: It is the overall goal of the plan to provide a safe and healthy environment for the residents of Diamond Bar. Goal 1 states: Create a secure public environment which minimizes potential loss of life and property damage, as well as social, economic, or environmental disruption resulting from natural and manmade disasters.

  The Site D Specific Plan will provide a safe and secure environment for City residents by promoting the policies and ideals particular to the City of Diamond Bar. Specific standards

are included in the Site D Specific Plan regulating development within the project area, which will minimize potential loss of life and property damage. Additionally, each stage of development permitted by this Specific Plan will adequately provide vehicular access, public facilities, and infrastructure for public health and safety.

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

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

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

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

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

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

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

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

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

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

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

  The Site D Specific Plan area will contain a high-quality, mixed-use development, composed of commercial-retail, higher-density residential, and open space land uses. The provision of residential uses on-site creates an immediate market for retail and service uses, thereby enhancing the potential for establishing a successful mixed-use master planned development. Additionally, Site D Specific Plan will provide housing and job opportunities to the City of Diamond Bar residents, which will generate property and sales taxes that can be used for improvement of public services and facilities. Due to the project's convenient location and site planning, Site D presents an economically viable plan that is good for the City of Diamond Bar and its residents.

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

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

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

The Planning Commission shall:

(a) Certify to the adoption of this Resolution; and

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

APPROVED AND ADOPTED THIS 27th DAY OF APRIL 2010, BY THE PLANNING COMMISSION OF THE CITY OF DIAMOND BAR.

By: _____
Tony Torng, Chairman

I, Greg Gubman, Planning Commission Secretary, do hereby certify that the foregoing Resolution was duly introduced, passed, and adopted, at a regular meeting of the Planning Commission held on the 27th day of April, 2010, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

ATTEST: _____
Greg Gubman, Secretary

Attachment 3

PLANNING COMMISSION
RESOLUTION NO. 2010-XX

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

A. RECITALS

1. On July 1, 2007, the property owner/co-applicant, Walnut Valley School District, and property owner/co-applicant/lead agency, City of Diamond Bar, executed a Memorandum of Understanding whereby the parties agreed to collaborate in the planning of the future land use for the approximately 30.36-acre parcel property located at the southeast corner of Brea Canyon Road and Diamond Bar Boulevard, City of Diamond Bar, County of Los Angeles, California so that both parties may each advance their respective objectives for the disposition of the property;

2. The Application is being reviewed by the Planning Commission concurrently with General Plan Amendment No. 2007-03, Zone Change No. 2007-04, and Environmental Impact Report No. 2007-02 (SCH No. 2008021014);

3. In accordance to the provisions of the California Environmental Quality Act (CEQA), Section 15168 et seq., an Environmental Impact Report (EIR) has been prepared for the project which found that the proposed project may have remaining significant impacts that requires adoption of "Findings of Facts and Statement of Overriding Considerations." Per CEQA Guidelines Section 15090, the EIR is being reviewed concurrently with the approval of the General Plan Amendment No. 2007-03 and Zone Change No. 2007-04 and must be certified by the City Council before project approval;

4. In accordance with CEQA Guidelines Sections 15090 through 15093, a resolution recommending certification of the EIR, adoption of a mitigation reporting and monitoring program, and adoption of "Findings of Facts and Statement of Overriding Considerations" to the City Council for the project is being reviewed by the Planning Commission concurrently with this

resolution;

5. The approval of Specific Plan No. 2007-01 (Site D Specific Plan) that is being reviewed concurrently with this application, includes a land use plan that divides the property into three sub-planning areas (Residential, Commercial, and Open Space/Circulation) and includes standards and guidelines for future development of the specific plan site;

6. The following approvals are requested to the City Council:

   (a) General Plan Amendment No. 2007-03 to change the land use designations from Public Facility (PF) and General Commercial (C) to Specific Plan (SP);

   (b) Zone Change No. 2007-04 to change the zoning districts from Low Density Residential (RL) and Neighborhood Commercial (C-1) to Specific Plan;

   (c) Specific Plan No. 2007-01 to adopt the Site D Specific Plan for the approximately 30.36 acre site to facilitate the development of a maximum of 202 residential; 153,985 gross sq. ft. of commercial; and approximately 8 acres of open space areas, easements, and rights-of-way;

   (d) Tentative Tract Map No. 70687 to establish separate residential, commercial, and open space parcels; create an internal circulation system and common open space areas; and establish easements and other right-of-way for utility and other purposes; and

   (e) Environmental Impact Report 2007-02 to certify the Final EIR, which provides a detailed analysis of potential environmental impacts associated with the development of the Specific Plan area.

7. Notification of the public hearing for this project was published in the San Gabriel Valley Tribune and the Inland Valley Daily Bulletin newspapers on April 2, 2010. Public hearing notices were mailed to property owners within a 1,000-foot radius of the project site and public notices were posted at the City's designated community posting sites. In addition to the published and mailed notices, the project site was posted with a display board and the notice was posted at three other locations within the project vicinity;

8. On April 13 and April 27, 2010, the Planning Commission of the City of Diamond Bar conducted a duly noticed public hearing, solicited testimony from all interested individuals, and concluded said hearing on that date; and

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

B. RESOLUTION

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

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

2. In accordance to the provisions of the California Environmental Quality Act (CEQA), Section 15168 et seq., an Environmental Impact Report (EIR) has been prepared for the project which found that the proposed project may have remaining significant impacts that requires adoption of "Findings of Facts and Statement of Overriding Considerations." Per CEQA Guidelines Section 15090, the EIR is being reviewed concurrently with the approval of the General Plan Amendment No. 2007-03 and Zone Change No. 2007-04 and must be certified by the City Council before project approval;

3. The Planning Commission hereby specifically finds and determines that, having considered the record as a whole including the findings set forth below, and changes and alterations which have been incorporated into and conditioned upon the proposed project set forth in the application, there is no evidence before this Planning Commission that the project proposed herein will have the potential of an adverse effect on wild life resources or the habitat upon which the wildlife depends. Based upon substantial evidence, this Planning Commission hereby rebuts the presumption of adverse effects contained in Section 753.5(d) of Title 14 of the California Code of Regulations;

4. Based on the findings and conclusions set forth herein, the Planning Commission hereby finds and recommends as follows:

   a. The Site D Specific Plan is to allow vacant land comprised of approximately 30.36 acres located at the southeast corner of Brea Canyon Road and Diamond Bar Boulevard (Assessors Parcel Number 8714-002-900, 8714-002-901, 8714-002-902, 8714-002-903 and 8714-015-001) with 202 residential dwelling units; 153,985 gross sq. ft. of commercial use; and approximately 8 acres of open space areas, easements, and rights-of-way;

   b. The current General Plan land use designations for the site include Public Facility (PF) and General Commercial (C). General Plan

Amendment No. 2007-03 being considered concurrently with this application proposes to change the land use designation for the site to Specific Plan. With approval of the General Plan Amendment, the Application will be consistent with the General Plan land use designation;

c. The project site is within the Low Density Residential (RL) and Neighborhood Commercial (C-1). Zone Change No. 2007-04 is being reviewed concurrently with the Application that requests that the City Council approve the zone change from the current zoning to Specific Plan for General Plan compliance;

d. The project site is generally surrounded by single-family homes to the north, south, and west, and a gas station and professional office buildings to the east. The site is bordered on the north by Diamond Bar Boulevard, and Brea Canyon Road to the west. The Brea Canyon Flood Control Channel runs roughly parallel to Brea Canyon Road and cuts through the western portion of the property.

e. The application involves a request for the following: Adoption of the Site D Specific Plan for development of the site with 202 residential dwelling units; 153,985 gross sq. ft. of commercial use; and approximately 8 acres of open space areas, easements, and rights-of-way.

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

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

The proposed project involves the subdivision of the site with 202 residential units; 153,985 gross sq. ft. of commercial use; and approximately 8 acres of open space areas, easements, and rights-of-ways. The General Plan land use designations for the site include Public Facility (PF) and General Commercial (C). General Plan Amendment No. 2007-03 being considered concurrently with this application proposes to change the land use designation for the site to Specific Plan. With approval of the General Plan Amendment, the Application will be consistent with the General Plan land use designation.

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

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

The proposed subdivision will be consistent with the amended General Plan land use designation that is being considered concurrently with the application. The proposed land use designation will be Specific Plan that will allow for the development of 202 residential dwelling units; 153,985 gross sq. ft. of commercial use; and approximately 8 acres of open space areas, easements, and rights-of-way. The buildings will have minimum setbacks requiring 15 feet from Diamond Bar Boulevard and Brea Canyon Road, 85 feet from the southerly property line (which abut residential), and 30 feet from the easterly edge. Visual analysis was performed to understand how the building massing of both commercial and residential would look from the street. This analysis led the City to expand some of the building setbacks.

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

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

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

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

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

The development will also have traffic improvements to mitigate existing plus project traffic conditions and cumulative traffic impacts.

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

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

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

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

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

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

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

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

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

the following findings:

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

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

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

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

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

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

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

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

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

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

5. Based on the findings and conclusions set forth herein, the Planning Commission hereby finds and recommends that the City Council approve Specific Plan No. 2007-01 and Tentative Tract Map No. 70687, subject to

the following conditions, the attached Conditions of Approval and the Mitigation Reporting and Monitoring Program:

a. GENERAL

1. This approval for Site D Specific Plan and Tentative Tract Map No. 70687 shall be null and void and of no effect unless the EIR (SCH #2008021014) is certified, the Mitigation Reporting and Monitoring Program, Facts and Findings and Statement of Overriding Considerations are adopted, and General Plan Amendment No. 2007-03 and Zone Change No. 2007-04 are approved;

2. The development shall comply with the Mitigation Reporting and Monitoring Program for EIR (SCH #2008021014). A copy is attached hereto and referenced herein; and

3. The development shall comply with the Conditions of Approval/Performance Standards in the Site D Specific Plan. A copy is attached hereto and referenced herein.

b. TENTATIVE TRACT CONDITIONS

1. The development shall provide parcels, easements or rights-of-way for streets, water supply and distribution systems, sewage disposal systems, storm drainage facilities, solid waste disposal and public utilities providing electric, gas and communications services;

2. The development shall mitigate or eliminate environmental problems identified through the environmental review process, except where a statement of overriding considerations has been adopted in compliance with CEQA;

3. The development shall carry out the specific requirements of Chapter 21.30 (Subdivision Design and Improvement Requirements) and Chapter 21.34 (Improvement Plans and Agreements) of the Subdivision Ordinance;

4. The development shall secure compliance with the requirements of the Subdivision Ordinance and the general plan;

5. Any designated remainder parcels shall not be subsequently sold or further subdivided unless a certificate or conditional certificate of compliance (Chapter 21.28) is obtained in compliance with the Subdivision Ordinance;

6. The development shall dedicate additional land for bicycle paths, and local transit facilities (including bus turnouts, benches, shelters,

etc.), in compliance with subdivision map act chapter 4, article 3, where required by the general plan; and

7. The tentative tract map shall be modified to be consistent with the land use plan adopted as part of the Specific Plan.

The Planning Commission shall:

(a) Certify to the adoption of this Resolution; and

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

APPROVED AND ADOPTED THIS 27th DAY OF APRIL 2010, BY THE PLANNING COMMISSION OF THE CITY OF DIAMOND BAR.

By: _____
Tony Torng, Chairman

I, Greg Gubman, Planning Commission Secretary, do hereby certify that the foregoing Resolution was duly introduced, passed, and adopted, at a regular meeting of the Planning Commission held on the 27th day of April, 2010, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

ATTEST: _____
Greg Gubman, Secretary

Table ES-3
RECOMMENDED CONDITIONS OF PROJECT APPROVAL

No.	Condition of Approval
	Land Use
1-1	Unless effective sound mitigation can be demonstrated once the project is operational or other controls imposed on delivery and related activities, no delivery activities shall occur between the hours of 10:00 PM and 7:00 AM.
1-2	The Applicant shall include as part of the real estate disclosure documentation, as required by the California Department of Real Estate for purchasers of those residential units to be constructed on the project site, the disclosure that commercial activities are proposed on the adjacent property and that the operational characteristics of those activities may include trucking, delivery, and maintenance operations by diesel-fueled and non-diesel-fueled vehicles.
1-3	Following the approval of the specific plan and/or any associated amendments to the City's General Plan, the Lead Agency shall provide notification of that action to the Southern California Association of Governments (SCAG), requesting that any subsequent amendments to SCAG's "Regional Transportation Plan" (RTP) and other regional planning forecasts reflect a greater level of population and housing growth within the City during the 2005-2010 time period.
1-4	Total new residential and non-residential development constructed on the project site shall not exceed 202 dwelling units and 153,985 gross leaseable square feet, respectively, unless a subsequent traffic study, addressing the traffic-related impacts associated with any such increase, is prepared by or submitted to and deemed acceptable by the City or unless such increase can be determined by the City to not result in any substantial increase in project-related traffic impacts. Should additional traffic impacts be identified, the City, at its sole discretion, may initiate additional environmental review and/or impose additional conditions or other measures in response to those impacts.
	Geotechnical Hazards
3-1	Prior to the issuance of grading and building permits, the Applicant shall demonstrate, to the satisfaction of the City Engineer, that each of the recommendations contained in the project's preliminary geotechnical investigation and in any supplemental reports as may be prepared by the Applicant's Geotechnical Engineer or by others have been incorporated into the project's design, development, and operation. The project shall be constructed, operated, and maintained in accordance with those recommendations and with such additional geologic, geotechnical, seismic, and soils recommendations as may result from further analyses that may be presented to, imposed, or adopted by the City.
	Hydrology and Water Quality
4-1	If the flood control channel right-of-way is to be utilized as part of the project's development plan, prior to the issuance of a grading permit, the Applicant shall obtain all requisite permits and approvals from the Los Angeles County Department of Public Works – Flood Control District allowing for the overbuilding of the Brea Canyon Storm Drain Channel and shall provide the City Engineer with documentation, acceptable to the City Engineer, demonstrating County approval and authorization, including a complete list of all permit requirements that may be associated therewith.
4-2	Prior to the issuance of a grading permit, the Applicant shall prepare and, when acceptable, the City Engineer shall approve a standard urban stormwater mitigation plan (SUSMP) conforming to the requirements of Section 8.12.1695 (Standard Urban Storm Water Mitigation Plan Requirements for New Development and Redevelopment Projects) of the Municipal Code.

Table ES-3
RECOMMENDED CONDITIONS OF PROJECT APPROVAL

No.	Condition of Approval
	Biological Resources (Continued)
5-1	In order to demonstrate compliance with applicable State and federal resource protection policies designed to protect or compensate for the loss of biological resources, prior to the approval of a grading permit, were applicable, the Applicant shall provide the Director with documentation of receipt of the following permits: (1) Section 401 (Federal Clean Water Act) water quality certification or waiver of waste discharge requirements from the Regional Water Quality Control Board, Los Angeles Region; (2) nationwide Section 404 (Federal Clean Water Act) permit from the United States Army Corps of Engineers; and (3) Section 1602 (California Fish and Game Code) streambed alteration agreement from the California Department of Fish and Game. The Applicant shall comply with all associated permit requirements.
5-2	Prior to the issuance of a grading permit, the Applicant shall submit to the Community Development Director and, when acceptable, the Director shall accept for subsequent processing an arborist-prepared tree survey, specifying: (1) the precise number and type of protected trees that will be directly or indirectly impacted by the proposed project; (2) the number (ratio), type, size, and source of trees that will be planted in compensation thereof; (3) the location of all replacement trees; (4) planting notes and irrigation requirements; (4) performance standards for the survivability of replacement trees; (5) a maintenance agreement stipulating the Applicant's obligations for a minimum 3-year period, including the annual reporting; and (6) the amount and derivation of the security deposit required under the City's tree preservation ordinance.
5-3	California Walnut Woodland. Measures to mitigate impacts to California walnut woodland will be orchestrated in concert with the replanting of trees protected by the City's tree preservation and protection ordinance. To the extent possible, southern California black walnut trees will be planted on manufactured slopes within the development. Prior to the issuance of a grading permit, a plan shall be submitted to the Community Development Director and, when acceptable, the Director shall approve a plan describing the number, size, and location of walnut trees to be planted and outline success criteria and adaptive management procedures to ensure that the mitigation plan is successful.
5-4	As determined feasible by the Community Development Director, initial vegetation removal activities shall be conducted outside the nesting season (February 15-August 15) to avoid impacts upon nesting birds. If initial vegetation removal activities occur during the nesting season, prior to the commencement of any grading or grubbing activities, all suitable habitat shall first be thoroughly surveyed by a qualified biologist for the presence of nesting birds. If any active nests are detected, a buffer of at least 300 feet (500 feet for raptors) shall be delineated, flagged, and vegetation removal activities avoided therein until the nesting cycle is complete, as determined by the surveying biologist or a qualified biological monitor.
5-5	BMP devices shall be designed in consultation with the Greater Los Angeles County Vector Control District and shall be of a type which minimizes the potential for vector (public nuisance) problems and maintained throughout the project life so as not to contribute to those problems. Unless accepted by the County and/or by the City, the responsibilities for and the funding of the maintenance of Best Management Practices (BMPs) shall constitute obligations of the homeowners' association as to those BMPs associated with the project's residential component and the property owners' association as to those BMPs associated with the project's commercial component. BMPs not directly attributable to a single project component or use shall, by agreement between owners, become the shared obligation of both associations.
	Transportation and Circulation
6-1	Construction Worker Parking and Equipment Staging Plan. Prior to the issuance of a grading permit, the Applicant shall submit and, when deemed acceptable, the City Engineer shall approve a construction worker parking and equipment staging plan (PESP) designed to minimize disturbance to the surrounding residences to the greatest extent feasible. Unless otherwise authorized therein, contractors and other construction personnel performing construction activities in proximity to the project site shall be prohibited from parking and/or operating construction equipment, dumpsters, trailers, or other material within a public right-of-way or other public property. The PESP can be combined with or become a part of the construction traffic safety plan and/or any other construction management plan as may be required by the City.

Table ES-3
RECOMMENDED CONDITIONS OF PROJECT APPROVAL

No.	Condition of Approval
	Transportation and Circulation (Continued)
6-2	Unless previously approved by the City Engineer, no construction access shall be authorized from and no construction traffic shall be permitted along Castle Rock Road and Pasado Drive, except as may be required to construct and maintain any project-related street and other improvements within and adjacent to those rights-of-way.
6-3	Construction Traffic Safety Plan. Prior to the issuance of a grading permit, the Applicant shall submit and, when deemed acceptable, the City Engineer shall approve a construction traffic mitigation plan (CTMP). The CTMP shall identify the travel and haul routes to be used by construction vehicles; the points of ingress and egress for all construction vehicles; temporary street or lane closures, temporary signage, and temporary striping; location of materials and equipment staging areas; maintenance plans to remove spilled debris from roadway surfaces; and the hours during which large construction equipment may be brought on/off the project site. The Applicant shall keep all haul routes clean and free of debris including but not limited to gravel and dirt as a result of its operations. The Applicant shall clean adjacent streets, as directed by the City Engineer, of any material which may have been spilled, tracked, or blown onto adjacent streets or areas. Hauling or transport of oversize loads will be allowed between the hours of 9:00 AM and 3:00 PM only, Monday through Friday, unless otherwise approved by the City Engineer. No hauling or transport will be allowed during nighttime hours, weekends, or federal holidays. The use of local streets shall be limited only to those that provide direct access to the destination. Haul trucks entering or exiting public streets shall at all times yield to public traffic. If hauling operations cause any damage to existing pavement, street, curb, and/or gutter along the haul route, the Applicant will be fully responsible for repairs. The repairs shall be completed to the satisfaction of the City Engineer.
6-4	Traffic Control Plan. Prior to the issuance of a grading permit, the Applicant shall submit and, when deemed acceptable, the City shall approve a traffic control plan (TCP). The TCP shall be consistent with the Southern California Chapter of the American Public Works Association's "Work Area Traffic Control Handbook" (WATCH), the California Department of Transportation's "Manual of Traffic Controls for Construction and Maintenance Work Zones," or such alternative as may be deemed acceptable by the City. The TCP shall describe the Applicant's plans to safely and efficiently maintain vehicular and non-vehicular access along local roadways throughout the construction period. If any temporary access restrictions or lane closures are proposed by the Applicant, the TCP shall delineate detour routes, the hours, duration and frequency of such restrictions, and the emergency access and safety measures that will be implemented during those closures or restrictions. The TCP can be combined with or become a part of the construction traffic safety plan and/or any other construction management plan as may be required by the City.
6-5	Shared Parking Plan. Prior to the issuance of building permits for any on-site commercial use, the Applicant shall submit and, when deemed acceptable, the Community Development Director and the City Engineer shall approve a shared parking study. The study, conducted using the Urban Land Institute's "Shared Parking" (Second Edition, 2005) unless otherwise approved by the City, shall present a quantification of on-site commercial parking needs, quantify the number of on-site parking spaces required under existing City regulations, discuss and evaluate opportunities for shared parking between on-site commercial uses, and quantify the number and type of parking spaces that need to be provided to support those commercial uses to be developed on the project site. The number, type, and location of on-site parking shall be determined by the City based, in whole or in part, by the findings of that shared parking study.
	Air Quality
7-1	The Applicant shall include as part of the real estate disclosure documentation, as required by the California Department of Real Estate for purchasers of those residential units to be constructed on the project site, the disclosure that commercial activities are proposed on the adjacent property and that the operational characteristics of those activities may include trucking, delivery, and maintenance operations involving diesel-fueled vehicles.

Table ES-3
RECOMMENDED CONDITIONS OF PROJECT APPROVAL

No.	Condition of Approval
	Noise
8-1	All residential and commercial units shall include forced air ventilation designed and installed in accordance with Title 24 of California Building Code standards.
	Public Services
9-1	Prior to the commencement of grading activities, the Applicant shall prepare and submit for review by the Los Angeles County Sheriff's Department (LACSD) a draft construction security plan outlining the activities that will be instituted by the Applicant to secure the construction site and the equipment and materials located thereupon from potential criminal incidents. The Applicant shall incorporate the recommendations of the LACSD, if any, into a final construction security plan and shall implement that plan during the construction period.
9-2	Prior to the issuance of building permits, the LACSD shall be provided the opportunity to review and comment upon building plans and the configuration of the development in order to: (1) facilitate opportunities for improved emergency access and response; (2) ensure the consideration of design strategies that facilitate public safety and police surveillance; and (3) offer specific design recommendations to enhance public safety and reduce potential demands upon police protection services.
9-3	Prior to the commencement of grading or grubbing activities, the Applicant shall prepare and submit and the Los Angeles County Fire Department (LACFD) shall review and, when deemed acceptable, approve a fire protection program and workplace standards for fire safety outlining those activities to be undertaken by the Applicant during the construction period. The Applicant shall abide by specific project-level permit conditions identified by the LACFD.
9-4	Prior to the issuance of a grading permit, the Applicant shall submit and the Los Angeles County Fire Department shall review and, when deemed acceptable, approve a fuel modification, landscape, and irrigation plan in compliance with County Very High Fire Hazard Severity Zone (Fire Zone 4) standards.
9-5	Prior to the issuance of building permits, the Los Angeles County Fire Department (LACFD) will review and, when deemed acceptable, approve (1) final water improvement plans including, but not limited to, the location, sizing, design, and fire flow capacity of the proposed water mains and fire hydrants and proposed access improvements to ensure compliance with applicable Fire Code requirements; and (2) building plans. The project's water system shall be designed in response to final fire flow requirements identified by the LACFD.
9-6	Prior to the issuance of a grading permit, the Applicant shall submit to the Building Official for review and approval a temporary fencing and signage plan designed to discourage access to any active construction areas by children and other unauthorized parties.
9-7	Prior to the issuance of building permits, the Applicant shall present the City with a certificate of compliance or other documentation demonstrating that the Applicant has complied with the Walnut Valley Unified School District's School Board resolutions governing the payment of school impact fees or has entered into an Assembly Bill 2926 authorized school fee mitigation agreement or is not subject to the school impact fee exaction.
9-8	Prior to the approval of the final subdivision map, unless an alternative milestone event or other manner of fulfillment of the Applicant's obligations under Section 21.32.040 (Park Land Dedications and Fees) in Chapter 21.32 (Subdivisions) of the Municipal Code is first approved by the City Council, the Applicant shall provide the City with an in-lieu park fee payment in the manner and in the amount authorized thereunder.

Table ES-3
RECOMMENDED CONDITIONS OF PROJECT APPROVAL

No.	Condition of Approval
	Utilities and Service Systems
10-1	Prior to the issuance of any grading permits, a sewer area study, prepared by a licensed civil engineer registered in the State of California, shall be submitted to the City Engineer and to the Los Angeles County Department of Public Works (LACDPW) for review and, when deemed acceptable, for approval. The sewer area study shall include sewer flow monitoring at specific locations to be determined by the City Engineer and the LACDPW. The sewer flow analysis shall include calculations for the quantities of sewer flow for the pre-development and post-development conditions and determine the impact on all affected City and County-operated sewerage facilities. Should project-related sewer flows be determined to impact the sewer capacity downstream from the proposed development, the Applicant shall be required to mitigate any potential capacity deficiency by a method approved by the City Engineer or the LACDPW, subject to appropriate jurisdictional authorities. The Applicant shall be responsible for all costs required to mitigate the potential capacity deficiency, including upgrading existing sewer mains.
	Aesthetics
12-1	The specific plan shall include design details, acceptable to both the City Engineer and to the Community Development Director, for all proposed retaining walls. Retaining wall plans shall include landscape and irrigation details sufficient to ensure that each of those elements are, as appropriate, integrated into wall design and that the interrelationship between those elements are considered from structural integrity and aesthetic viewpoints.

Table ES-2
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Biological Resources		
5-1	Jurisdictional Features. In order to reduce impacts to United States Army Corps of Engineers and Regional Water Quality Control Board (ACOE/RWQCB) and California Department of Fish and Game (CDFG) jurisdictional waters, prior to the issuance of a grading permit, the Applicant shall demonstrate, to the satisfaction of the Community Development Director, receipt of any discretionary permits and approval as may be required from the ACOE, RWQCB, and CDFG and commit to the provision of compensatory jurisdictional resources meeting or exceeding the following minimal standards: (1) the on-site and/or off-site replacement of ACOE/RWQCB jurisdictional waters and wetlands at a 2:1 ratio; (2) the on-site and/or off-site replacement of CDFG jurisdictional streambed and associated riparian habitat at a 2:1 ratio; and (3) the incorporation of design features into the proposed project's design and development.	Community Development Director	Issuance of Grading Permits
	Traffic and Circulation		
6-1	Prior to the recordation of the final tract map, the Applicant shall provide, to the satisfaction of the City Engineer, the intersection improvements identified in the traffic impact analysis or provide a "fair-share" contribution toward the cost of the improvements to the following intersections: (1) Brea Canyon Road (W) at Pathfinder Road; (2) Diamond Bar Boulevard at Pathfinder Road; (3) Brea Canyon Road at Cold Spring Lane; (4) Diamond Bar Boulevard at Cold Spring Lane; (5) Pathfinder Road at Brea Canyon Cutoff; (6) SR-57 SB Ramps at Brea Canyon Cutoff Road; (7) SR-57 NB Ramps at Brea Canyon Cutoff/Diamond Bar Boulevard; (8) Brea Canyon Road at Diamond Bar Boulevard; (9) Cherrydale Drive at Diamond Bar Boulevard; (10) Brea Canyon Road at Silver Bullet Drive; (11) Diamond Bar Boulevard at Grand Avenue; and (12) Colima Road at Brea Canyon Cutoff.	City Engineer	Final Tract Map Recordation
6-2	The final site plan shall include and accommodate those traffic measures, improvements, and such other pertinent factors and/or facilities as may be identified by the City Engineer to ensure the safe and efficient movement of project-related traffic.	City Engineer	Site Plan Approval
	Air Quality		
7-1	All non-residential paints shall contain no more than 0.22 pound/gallon (100 gram/liter) of volatile organic compound (VOC).	Community Development Director	Building Permit Issuance
7-2	The Applicant shall abide by any other air pollution reduction measures as may be approved by the City of Diamond Bar and/or by the South Coast Air Quality Management District.		Building Permit Issuance
7-3	Traffic lane improvements and signalization, as outlined in the traffic study, shall be implemented and will generally improve local traffic flow, thereby reducing emissions created in the project area.	City Engineer	Building Permit Issuance
7-4	To encourage the use of mass transportation, the Applicant shall place bus stop shelters at any bus stops situated or to be situated along any site frontage routes if not already so equipped.		Building Permit Issuance

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

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

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

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

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

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

Attachment 4 DRAFT

MINUTES OF THE CITY OF DIAMOND BAR
REGULAR MEETING OF THE PLANNING COMMISSION
APRIL 13, 2010

CALL TO ORDER:

Chairman Torng called the meeting to order at 7:05 p.m. in the South Coast Air Quality Management District/Government Center Auditorium, 21865 Copley Drive, Diamond Bar, CA 91765.

PLEDGE OF ALLEGIANCE: C/Shah led the Pledge of Allegiance.

1. ROLL CALL:

Present: Commissioners Steve Nelson, Jack Shah, Vice Chairman Kathy Nolan, and Chairman Tony Torng.

Absent: Commissioner Kwang Ho Lee was excused.

Also present: Greg Gubman, Community Development Director; Brad Wohlenberg, Assistant City Attorney; Grace Lee, Senior Planner; David Alvarez, Assistant Planner; and Stella Marquez, Senior Administrative Assistant.

Consultants: Mark Rogers and JoAnne Sturges, TRG Land; Peter Lewandowski, Environmental Impact Sciences.

2. MATTERS FROM THE AUDIENCE/PUBLIC COMMENTS: None

3. APPROVAL OF AGENDA: As presented.

4. CONSENT CALENDAR:

4.1 Minutes of the Regular Meeting of March 23, 2010.

C/Nelson moved, VC/Nolan seconded, to approve the Minutes of the Regular Meeting of March 23, 2010, as presented. Motion carried by the following Roll Call vote:

AYES:	COMMISSIONERS:	Nelson, Shah, VC/Nolan, Chair/Torng
NOES:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	Lee

5. OLD BUSINESS: None

6. NEW BUSINESS: None

7. PUBLIC HEARINGS:

7.1 **Site "D" Specific Plan** – Pursuant to the Subdivision Map Act; Title 21 – City's Subdivision Ordinance; and Title 22 – Development Code Sections 22.60 and 22.70, the proposed project is to recommend approval of the following to the City Council:

General Plan Amendment No. 2007-03 – A request to change the land use designations from Public Facility (PF) and General Commercial (C-1) to Specific Plan (SP).

Zone Change No. 2007-04 – A request to change the zoning districts from Low Density Residential (RL) and Neighborhood Commercial (C-1) to Specific Plan (SP).

Specific Plan No. 2007-01 – A request to adopt the Site D Specific Plan for approximately 30.36-acre site for the construction of 202 residential dwelling units at a density of 20 units per acre; 153,985 gross square feet of commercial use at 10.35 floor area ratio; and approximately 10 acres of open space areas, easements and rights-of-way.

Tentative Tract Map No. 70687 – A request 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.

Environmental Impact Report No. 2007-02 – A request to certify the Final EIR which provides a detailed analysis of potential environmental impacts associated with the development of the Specific Plan area.

Project Address: Site 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, 8714-002,093, and 8714-015-001.)

Applicant: Walnut Valley Unified School District and City of Diamond Bar

Lead Agency: City of Diamond Bar
Community Development Department

C/Nelson said he would recuse himself from deliberation on this matter because the company he works for, PCR Services Corporation provided the archaeological and biological assessments for the project and he was personally involved in the project.

Chair/Torng laid out the ground rules for the meeting protocol and public speaking.

CDD/Gubman presented staff's report and recommended that the Planning Commission open the public hearing, receive public testimony regarding the staff EIR and all land use entitlements, and continue the public hearing to the April 27, 2010, meeting.

Mark Rogers provided a history of the site and details of the proposed Site D Specific Plan that included lower level commercial stepping up to residential pads adjoining existing single-family residences. He described the planning principles that have been incorporated into the Specific Plan and supplemented his presentation with a PowerPoint presentation and display boards.

Nancy Lyons, 22536 Ridge Line Road and President, Walnut Valley Unified School District (WVUSD) Board of Directors, stated that the original intent was to develop the site as a school. At this point, the district has enough school sites with a declining number of students. WVUSD needs money instead of another school because the district has received less money every year for the past three years with a total enrollment decrease of 20 percent. This substantial decrease in income has led to drastic cuts in programs, teacher layoffs, cancellation of programs including elementary music, etc. The district hopes to get the property entitled and sell it to provide the district with additional funds. She asked the Commission to recommend City Council approval.

Chair/Torng opened the public hearing.

Donald Daneault, 3154 Castle Rock Road, asked where students living in the 200 units this project would attend school. The school district says student enrollment is declining; however, the elementary school on Castle Rock Road is overcrowded. He was very concerned about additional student drop off and pickup congestion close to his home because he finds it very difficult to get to his house under the current conditions.

John Martin, 1249 S. Diamond Bar Boulevard #432, felt that since this project was on an entrance to the City, everyone in the City should have been provided the Notice of Public Hearing. He said he did not know who had been noticed but with the number of residents present at tonight's meeting, it seemed important to him that for the next meeting that everyone in Diamond Bar should be noticed and given an opportunity to learn about the plans. This is the same plan that was presented previously as well as, a

time prior. Nothing has been changed. It is obvious to him that the City and the school district want the most money possible from the sale of this land. The best way to get money for a property is to have commercial and residential property. However, if the commercial is eliminated, the berm with the 100 year old trees is kept in place, and the homes are set back about 135 feet from the street, it would solve many problems including elimination of neon lights from the commercial area. As stated in the report, the purpose of commercial is to have it at street level which would be an eyesore at a City entrance. The EIR contains one potentially significant impact; however, he counted eleven. The expectations he has for living in Diamond Bar is that it is a beautiful City and the City of Diamond Bar and WVUSD is saying it wants to put a commercial area at the heart and entrance of the City which in his opinion, was the wrong thing to do. He asked that the City consider some alternative to this Specific Plan because the DEIR states that of all of the alternatives, this plan is the worst environmental alternative.

Christopher Chung, 21470 Cold Spring Lane, said he saw two different desires and alternatives. He wondered if the motive and intent of a public hearing was to actually get public input or to do the minimal legal obligations the City is required to perform under CEQA. He felt the documents and reports this evening were telling in that normally a scoping meeting takes place prior to issuing of an EIR or any document and is intended to be a time for input from the community. In this case the document was prepared first and then the City asked for input. It is telling him that the applicant indicates its purpose is to make money. He understands development. He has 20 years in this business and understands EIR's, traffic studies, etc., and he is pro-development and pro this project. If his concerns were addressed he would not be speaking tonight. His concerns include a flawed, inconsistent and outdated traffic report that does not include impacts of the stadium in Industry, cumulative impact from tenants at the H-Mart shopping center; and impacts at school intersections like Cold Spring Place and Brea Canyon Road or Cold Spring Lane and Castle Rock. Anyone who drops their kids off in the morning knows there is a 10-15 minute wait. If 202 units are being added, there will be additional impact that has not been analyzed. He understood there was an applicant that had a desire and fully believe that people who own property have the right to develop their property as they see fit but they need to do it in such a way that it does not adversely impact everyone else. In addition, he saw no traffic analysis of ingress/egress from the site. Projects are market-driven and actual analysis cannot be done until the site has an actual development plan so there should be a project first before determining the impact of import/export of dirt, for example. Also, in his opinion, certain assumptions about daily trips are incorrect. Under CEQA, the document needs to indicate that the mitigation measures will actually happen. The City cannot just say it will put money in a pot.

Federation of Hillside and Canyon Associations versus City of Los Angeles has declared an EIR similar to the EIR for this project to be in violation of a CEQA mandate because the City did not include those mitigation measures. Chair/Torng asked the speaker to put his concerns in writing and present them to staff. Mr. Chung said he did not believe the Commission had sufficient information to move this project forward and should send the plan back to staff for further research.

Michael Hasegawa, 21502 Cold Spring Lane, felt there were a lot of questions that needed to be answered including the availability of mass transit to handle the increased demand and whether the trees and water canal would be retained. These questions are guidelines, and residents do not know whether the developer will follow these guidelines because this project is market driven. It seems to him that this is a very haphazard plan because he sees no guarantees for the people who live in the area. What will happen with the screening, for example. If the schools are over packed now, why not keep the site for future school use. He knows the City is down $20 million; however, commercial real estate is not a sure thing. The large movie theater on Diamond Bar Boulevard is large commercial property that has not yet been purchased. There is no assurance anyone will buy this property. He was told by his Realtor when he purchased his home that the view was worth an additional $40,000. Will the home values decline in the area once there is a commercial development and the views are gone? His grandfather was a planner for Los Angeles County and helped to design Rowland Heights and surrounding communities including Diamond Bar. He says that the planning was based on population feasibility studies in designated commercial and residential zoning. Has there been an analysis of how this plan would affect those studies.

Judy Leung, 21175 Running Branch Road, said that according to what she understood, proceeds of the sale of this land could be used for capital improvements only, therefore, would not help the district with operating expenses. There have been no public information meetings on the EIR and the plan, and its details, and she feels the City and school district owe it to the residents to explain this plan in greater detail. Only the residents living within 1000 feet of the site receive meeting notices and the people she has spoken with who live across the street from the project did not receive notices. Only 200 residents received the notice. She believed that many more residents would have come to the meeting tonight to express their feelings if they knew about this project. She wants to know why this project has been kept a secret. The consultant forgot to mention the 1991 DBIA Resolution about this plan that was discussed and declined. The EIR is a large document that requires a college degree to understand and comprehend. She is just an ordinary resident and three week's notice about

this meeting is not a sufficient amount of time to try and understand a 1000 page document. Again, where is the public information meeting that should have explained more in depth about what this proposed project is all about. Section 7.0 of the Specific Plan (General Plan Consistency Analysis) states that "this specific plan provides a site specific detailed description of regulations, standards and guidelines for implementing General Plan goals and policies. To achieve this, the specific plan must be in conformance with and be consistent with the General Plan. The California government code states that a specific plan shall include a statement of the relationship of the specific plan to the General Plan and further, that it may not be adopted and amended unless found to be consistent with the General Plan." The vision statement under land use reads "It is the overall goal of the land use element to ensure that the land uses and development decisions of Diamond Bar maintain and enhance the quality of life for its residents." Does anyone actually believe that this project will enhance the quality of life? If so, she and others would not be here. Residents are trying to let the Commissioners know that this particular plan is going to decrease and lower the residents' quality of life. With very limited notice to the residents, everyone cannot be present tonight to let the Commissioners know how they really feel and this is very, very sad. She said she hoped the response from the City about public comments would not be a comment that the response was "acknowledged" only, because that will serve no purpose.

Mary Rodriguez, 3419 Pasado Drive, said she would like to know about the 1991 DBIA Resolution as well and would like to see alternative plans that would not include destruction of 100 year old California Walnut trees. At the August 2009 meeting she asked about Copper Canyon not showing up in the traffic report and it is not included in this report. Since 1991 it seems like the Commission and Council are not listening to the people. Members of the public speak up and no one pays attention because the same plans continue to be presented with no alternative plan to save the area.

David Busse, 21455 Ambushers Street, owns commercial property in the San Gabriel Valley and wanted to warn the Commission that the commercial real estate business is no place for a school board or a City Council to be messing around at this time. The WVSUD Public Hearing Site D report from March 11, 1991, when there was an attempt to build homes in the area, the timing of the school board speculating on that land was so bad that if that had gone through the school board would have lost a great deal of money. He asked that the WVUSD Site D Public Hearing report from March 11, 1991, be entered into the record which clearly indicates that people in the neighborhood wanted this property used for public use. Politics is the art of compromise and he has not seen any compromise on this plan or in discussions. The EIR is impressive but full of errors. The traffic study is

flawed. One can hire a traffic engineer to say anything they want him to say. Common sense tells one that 220 units of housing traffic cannot be made better by using a bunch of stoplights. Section 4.9 of the EIR, page 4.9-12, the Angeles National Forest is a national forest under the US Department of Agriculture, not the National Parks Service (Department of the Interior). When he opened the EIR to the first page and saw that mistake he wondered how many others were included in the report that he did not know about. Every time one drives the SR60 and experiences the debacle at the SR57/60 they should remember that a registered professional traffic engineer signed off on that project. Traffic is a nightmare and the concept of putting more cars on the street and saying that everything will be fine, it has not been addressed in this EIR and it makes no sense. There needs to be a lot more thought put into the project and more importantly, from the property owner and the developers and everyone else, he wants to see plan alternatives. He understands the schools need money. Kids live in the neighborhood already and there needs to be a lot more thought given to what is being proposed other than making the most money possible. He has served on jury duty many times and he has always been impressed by others who serve at their ability to use common sense to solve complex problems. Don't be fooled by a bunch of material in an EIR compiled by people who allegedly know what they are talking about. He urged the Commissioners to look for themselves and ask themselves if this proposal makes sense and is it for the betterment of the community.

Mary Hasegawa, 21502 Cold Spring Lane, said she has a beautiful view from her home and does not want to wake up every morning to look at a development. And to think the area will be filled with apartments is disheartening. She said she intended to die in her home and will most likely be killed by the smog. Where are the animals going to go? She gardens on her hill and it is like sand. The earth comes down and what assurance is there that when a developer starts grading the hill, those houses won't tumble down? When she bought her home there was apparently a disclosure about Site D which she never bothered to read because she was enthusiastic about her house. She would not have bought her house if she had taken a minute to read the disclosure. She walks every day and she has to go very early or very late because of the smog. It is dangerous at night and she wants to feel safe and secure walking in her neighborhood.

Jeff Leighton, 3703 Crooked Creek, said when he was before the Commission a year ago he saw the same presentation and agreed that no one was listening to the residents. He agreed that there are fewer people present tonight because fewer people were notified. He sent a letter to CDD/Gubman after the last meeting and was told he would be notified of tonight's meeting. However, he did not receive a notice about tonight's

meeting. He said he was concerned about the increase in traffic generated by this proposed high density housing and commercial use plan. In essence, Diamond Bar is a single traffic thoroughfare City. Because of its geography, the City will always be in this condition. The added congestion that will be generated on the south end of town will dominate the southern gateway to the City. The proposed 202 plus units and the 800-900 additional cars, 400 rush-hour cars, will likely occur at the same time that the commercial area may see the most traffic. Another concern is increased air pollution as pointed out on ES-11. Statements like "violation of air quality standards and considerable increase in criteria pollutants" are bone-chilling and should be enough to stop the Alternate 5 project plan now. How can the City that houses the AQMD facility consciously support a plan that increases bad air at a portion of the City that is already severely affected by a parallel freeway a block away from the proposed site? Again, it can only be assumed that the intent is to maximize sale price and I think that fact has been made apparent tonight. The northerly view on Diamond Bar Boulevard will change dramatically from the country living atmosphere present today. The proposed plan for Site D calls for abrupt changes at the southern gateway to the City. In order to accommodate a large commercial area on the south tip of the site, the hills must be reduced to street level in order to achieve this and still maintain the maximum area above the strip mall for housing. This plan must call for huge retaining walls as shown on the plans. The plan must call for a huge retaining wall behind the commercial buildings similar to the midtown Target location. Although the Target wall is somewhat camouflaged and set back from the street it is still unsightly and an eyesore. The wall that will need to be planned for Site D will be much less pleasing and more of a focal point than the Target wall. The site of it will be the first thing seen by people entering the City from the south. In addition, the plan calls for removal of 75 100-year old trees that border Site D. In all, it would be a horrific sight and give a lasting impression of how Diamond Bar chooses to represent itself to its residents and visitors. In summary, the residents understand the need for progress but the City must remember that it needs to take into account the need to give preference to the residents who live in Diamond Bar, pay their taxes and elect the officials who are supposed to represent them. A short-sighted plan to maximize revenue generated at the expense of the residents as voiced by every speaker here tonight and also by speakers who spoke a year ago is an indication of the disdain felt by the residents who will most be affected by the proposed project. The City needs to take another look, please.

Gregory Shockley, 3711 Crooked Creek, said it is pretty bad when a City throws out CEQA in order to accommodate the goal of obtaining money. Over the years the school district has had its ups and downs and the student population increases and decreases. The school district will continue to

survive and will continue to be a good school district with or without the sale of this property because of the teachers and administrators. If people want to live in a place that looks like Irvine they can move there. Other cities like Anaheim and Brea seem to be following suit. People who live here want open space. He does not see where the consultants tried to minimize anything. The Commission does not have to recommend that this be approved by the City Council. In fact, he believes it is the Commission's responsibility not to recommend approval. He has heard it said that if this master plan is not accepted 2200 homes will be built on the site. He said he felt it was the Commission's responsibility was to decline this plan. This is land designated for general public use and no one can put anything on the land without the Council's approval. He believed the City could develop a plan that met the intent of the General Plan and meet the CEQA requirements. The seller may not get as much money for the property but at least it would be more user-friendly to Diamond Bar. I think the City can do a better job.

Robert Velasquez, 24336 Seagreen Drive, said the Planning Commission and City Council have done a lot of good things for Diamond Bar. It is a safe place to live; there are nice trails and a brand new recreation center and he believes residents appreciate the City's efforts. Diamond Bar was based on a country living style with more open space and reduction of traffic and the trend of more building is disturbing. The NFL Stadium will affect the City and he believed that the City should have a long term goal of what it wants to look like 10 years from now and he believed it was the job of the Planning Commission to plan ahead. Walnut was up in arms about the NFL Stadium and they should understand that the residents of Diamond Bar will be left to the consequences of a project like this proposal.

Christopher Chung returned to the podium to state that the mitigation monitoring report must, when approved, include all mitigation measures that are required of the project. What he stated previously about not including the mitigation measures, if those are not included in the document and more mitigation measures are found the document will have to be re-circulated. He said he truly believed that the document is very full of holes and is easily challenged. Residents do not want to have to challenge this project and hope that the Commissioners determine that the document poorly considers all of the ramifications. If all of the comments that were provided did not make it into the mitigation report, something is wrong.

Mary Rodriguez returned to the podium to ask if the Commissioners had read all of the letters and comments that were submitted and Chair/Torng responded yes, that the document under consideration includes "response to comments on the DEIR Site D Specific Plan." Chair/Torng said that

Ms. Rodriquez's letter is in the document. VC/Nolan assured Mary Rodriguez that she read all public comments, emails and letters that have been provided to the Commission.

Chair/Torng closed the public hearing.

RECESS: Chair/Torng recessed the meeting at 8:40 p.m.

RECONVENE: Chair/Torng reconvened the meeting at 8:50 p.m.

8. CONTINUED PUBLIC HEARING:

8.1 **Development Code Amendment No. PL2010-78** – An Ordinance of the City of Diamond Bar amending the zoning regulations governing group residential uses in residential zones and amending the Diamond Bar Municipal Code, and providing reasonable accommodation provisions for the disabled, pursuant to Government Code Section 65858(d). (Continued from March 23, 2010)

Applicant: City of Diamond Bar

CDD/Gubman stated that at the March 23 meeting, the Commission expressed concerns primarily having to do with the "distance" criteria proposed for group homes and separately for parolee or probation housing. With respect to group homes, staff proposed that not only would a Conditional Use Permit be required for group residential and group homes for more than six clients, staff also limited zones for those uses to the multi-family districts and specified a 300-foot minimum separation between such uses. The Commission was concerned with the 300-foot distance in that it might facilitate an over-proliferation of such uses. Staff based the 300-foot separation on state licensing criteria for group homes like daycare or adult daycare facilities licensed by the State Department of Social Services. The City is not bound by that criteria and looked at pushing the buffers wider. Staff is comfortable recommending that the distance separation be increased from 300 feet to 1320 feet which significantly reduces the overall number of group homes that would be potentially available for those uses.

CDD/Gubman reported that the Commission's second issue was the recommended spacing of 5000 feet between parolee/probationer housing. Staff learned that with the additional requirement that such uses be located no closer than a quarter of a mile from schools, parks and the library, it effectively resulted in not being able to get them closer than 10,000 feet apart. As a result, staff changed the distance requirement from 5,000 to 10,000 feet and added a requirement that there shall be no more than two

(2) parolee/probationer housing facilities operating in the City at any one time.

CDD/Gubman indicated that the third issue voiced by the Commission was that there was not any ongoing monitoring of group homes in the ordinance. Staff responded that conditions of approval could be included that would mandate ongoing monitoring. However, staff added a standard that states "these shall be subject to periodic monitoring" so all Conditional Use Permits will need to specify how frequently the facilities are monitored and what kind of reporting requirements would be included. Still left to the discretion of the Commission on a case by case basis is the matter of how frequently it would like a facility to be monitored.

The fourth and final issue from the Commission was about the lack or absence of the requirement for onsite security at parolee/probationer homes. The ordinance stipulates onsite supervision but not onsite security. After conferring with the City Attorney, staff believes that to require security for these facilities would detract from the residential character of the neighborhoods in which these facilities are located and staff is concerned that that perception of an unsecure environment that would require officers or security personnel would in themselves be a detriment to the community so staff would recommend that the standard previously endorsed for onsite supervision rather than security would be the most appropriate measure to be taken if the Commission elects to approve a Conditional Use Permit for a parolee/probationer home.

Staff recommends that the Planning Commission recommend City Council approval of Development Code Amendment No. PL 2010-78 as presented this evening.

C/Shah asked about the difference between onsite security and onsite supervision. CDD/Gubman likened supervision to a hall monitor or resident advisor in a dormitory to make sure everyone is accounted for and make certain all are following the rules of the house and to ensure that peace and order is maintained in the residence rather than having a "security guard" on the premises making sure that individuals are remaining on premises and not causing problems by venturing about unsupervised. C/Shah said he concurred with all recommendations as long as supervision be defined as 24/7 onsite supervision.

VC/Nolan agreed with C/Shah that the intent of the Commissioners comments was not to provide armed guards. She felt staff did a great job of revising the numbers.

Chair/Torng asked if 10,000 was the maximum and CDD/Gubman said that he spent a lot of time discussing this matter with the City Attorney's office and their advice is to go out farther than 10,000 feet would be reducing the likelihood to possibly zero that there would be any facility that could locate in the City. There might be a possibility for one; however, the City Attorney advised that it is somewhat risky to confine it down to one, especially when the one proposed location might not work given that a group home nearby would disqualify the site. Staff wanted to provide at least two possible sites that could accommodate a parolee/probationer facility and whether the City would ever actually get two such facilities would be questionable.

Chair/Torng opened the public hearing.

With no one present who wished to speak on this item, Chair/Torng closed the public hearing.

C/Shah moved, VC/Nolan seconded, to recommend City Council approval of Development Code Amendment No. PL 2010-78. Motion carried by the following Roll Call vote:

AYES:	COMMISSIONERS:	Shah, VC/Nolan, Chair/Torng
NOES:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	Lee, Nelson

9. PLANNING COMMISSIONER COMMENTS/INFORMATIONAL ITEMS:

C/Shah complimented staff on its Site D documentation and report for the Site D Specific Plan. He appreciated the Planners Institute and wished there had been more for him to learn.

VC/Nolan said she appreciated staff's report on the proposed Site D Specific Plan. She would like to have staff continue the public hearing as if there had not been a break so that staff would have an opportunity to ask questions. She said she would put her questions in writing prior to the next meeting.

10. STAFF COMMENTS/INFORMATIONAL ITEMS:

10.1 Public Hearing dates for future projects.

11. SCHEDULE OF FUTURE EVENTS:

As listed in tonight's agenda.

ADJOURNMENT: With no further business before the Planning Commission, Chairman Torng adjourned the regular meeting at 9:25 p.m.

The foregoing minutes are hereby approved this 27th day of April, 2010.

Attest:
Respectfully Submitted,

Greg Gubman
Community Development Director

Tony Torng, Chairman

Attachment 5

Mary E. Rodriguez
3419 Pasado Drive
Diamond Bar, Ca 91765
April 13, 2010

City of Diamond Bar Community Development
Department?Planning Division
21825 CopleyDrive
Diamond Bar, Ca 91765

Re: Public Hearing "Site D" Specific Plan ("Project")

I am hereby requesting that this letter be entered into the Environmental Document.

What is the basis for your mitigation efforts? With regards to the traffic, the vegitation, the trees, the wildlife, the air health, the noise.

Example, the tree options given to mitigate the distruction of 75 California Walnut Trees.

The traffic report does not make good math. Also, you do not show all the streets that are critically affected. Where is Copper Canyon? Copper Canyon goes directly into the project area, yet it is not accounted for in your report. There many things wrong with the Environmental Report.

Why is the Walnut School District getting in the real estate business. The property belongs to the school district. They have no right to go into the land speculation business in this terrible economic time.

Mary E. Rodriguez

Mary E. Rodriguez

Attachment 6

Grace Lee

To: Greg Gubman
Subject: RE: Site D Specific Plan Project Opposal

From: John Yang [mailto:johnkyang@gmail.com]
Sent: Tuesday, April 13, 2010 10:39 AM
To: Stella Marquez
Subject: Site D Specific Plan Project Opposal

City of Diamond Bar
Community Development Department
Planning Division
21825 Copley Drive
Diamond Bar, CA 91765

Re: "Site D" Specific Plan ("Project")

To Whom It May Concern:

I am unable to appear at the public hearing and therefore am challenging this application and project by this letter.

I object for the following reasons/issues:

Increase in Traffic and Safety Concerns

The area in which this proposed project is located at the southeast corner of Brea Canyon Road and Diamond Bar Blvd. which consists of one of the already busiest intersections in Diamond Bar with its entrances to and exits from the 57 freeway. The additional traffic that would be contributed by the new occupants of the proposed 202 residential dwelling units would cripple the already inundated flow of traffic in this area.

Additionally, the project would bring more commercial trucks into the vicinity because of the commercial businesses that are proposed in this project. More commercial trucks in the area will absolutely lead to more traffic because of their larger sizes compared to small vehicles.

More traffic leads to increased probability of car accidents. The safety of Diamond Bar residents should be put first and this project seems contrary to that goal.

Impact on Local Schools

Diamond Bar prides itself of being the part of a great school district and home to many exceptional, and even nationally recognized schools. Adding the 202 residential dwellings would add more students to existing classrooms, adding a strain to the already large classroom sizes and ultimately having a negative impact on the quality of education due to the children of Diamond Bar.

Buildings will clash with existing neighborhoods

Diamond Bar has been a wonderful suburban community. We pride ourselves with an almost "country feel" lifestyle and it was this small town character that has led many Diamond Bar residents to live here. I have lived at the same Diamond Bar home for over twenty years and attribute my long residency to the charm and character of this city. The proposed site will be at the south "entrance" to Diamond Bar. To have a complex as described by the "Site D" Specific Plan Project be the first impression of our city would be a shame as it would diminish the very character of our city. Although there are some multifamily dwelling complexes that exist in Diamond Bar, it is the single family homes that are exemplary of our city as seen through the Diamond Ridge area, the Country, and surrounding area of the "Site D" Specific Plan Project area.

For the above mentioned reasons, I object to the "Site D" Specific Plan Project. Diamond Bar does not need a multifamily dwelling complex with associated commercial businesses as it will lead to an unnecessary, additional strain on the lives of existing residents and business of the local area.

Sincerely,
John Yang
Owner and Resident
3166 Cherry Dale Drive
Diamond Bar, CA 91765

Attachment 7

Grace Lee

To: Greg Gubman
Subject: RE: Site D

From: Ron Everett
Sent: Thursday, April 15, 2010 9:50 PM
To: David Busse
Subject: RE: Site D

Mr. David Busse,
Thank you for your comments on the subject matter; I will make certain the Community Development Department receives a copy for follow-up.

Sincerely,
Ron Everett

From: David Busse [DRBusse@roadrunner.com]
Sent: Wednesday, April 14, 2010 5:02 PM
To: Ron Everett
Subject: Site D

Thank you for attending the Site D hearing meeting last night. I trust you and the other council members in attendance got some idea of the uproar in South Diamond Bar over this plan.

I believe there is some common ground to be found on this issue and I urge you and other council members to seek a compromise plan that both satisfies the neighbors and the (arguable) financial interests of the WVUSD.

Let's make sure this whole process doesn't get dragged into an extended drama in a courtroom. I am eager to work toward some sort of compromise. That's tough to do when the school board tells me "it's the city's plan" and the city says "were in this to help the schools."

Best Regards,

David R. Busse

Attachment 8

Grace Lee

From: Judy Leung [sljleung@hotmail.com]
Sent: Thursday, April 15, 2010 3:17 PM
To: Stella Marquez
Cc: Ling-Ling Chang (Off-Site); Carol Herrera; Steve Tye; Ling-Ling Chang; Ron Everett; Jack Tanaka
Subject: Questions / concerns on Site D Specific Plan
Attachments: 1991 DBIA resolution.PDF

To DB Planning Commission members :

I have the following questions / concerns on Site D Specific Plan -

1) Why Site D Specific Plan is chosen compare to other alternatives such as only building single family house; public facilities; recreational park? There isn't anything mentioned about how this plan is chosen in the Draft EIR or Draft Site D Specific Plan.....maybe I missed it, please explain.

2) Why was there no public information meeting on the EIR ? We demand an "interactive" meeting with the consultants and the Planning Commission.

3) In Section 7.0 "General Plan Consistency Analysis" (page 39) under Draft - Site D Specific Plan, it stated the Vision Statement in Land Use Element : " *It is the overall goal of the land use element to ensure that the land uses and development decisions of Diamond Bar maintain and enhance the quality of life for its residents."* In page 40, Goal stated : "*Consistent with the Vision Statement, encourage long-term and regional perspectives in local land use decisions, but not at the expense of the quality of life for Diamond Bar residents."*

- Explain how these are accomplished ? How can the consultants determine "Site D Specific Plan" will maintain and enhance the quality of life for its residents ???? No DB residents ever received any survey on this subject and never have a channel to express our feelings on this. Now, I am "submitting" my feel on this matter.....it will definitely lower the quality of life.

4) 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 ??

5) 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 ?

6) What type of actions/ways that the City has used to contact the DB residents notify and explain the Site D Specific Plan (besides sending to property owners within 1,000 ft radius from the site)? I am concern about the "bias" view from the Consultant that this plan is very well taken and welcomed by the Diamond Bar residents. No response from *not being informed about* this plan is differ from "no opinion" (but with knowledge) on the plan.

7) The April 13 public hearing meeting was happened to be 2 days from the April 15 tax day. This "strategically" chosen date made many residents not be able to attend the meeting and voice out their views and opinion of this plan. The Planning Commission should arrange another date of public hearing meeting.

I am sincerely asking the Planning Commission members to consider all the comments submitted here and other residents. We understand the School Board would need to sell this site; but the proceeds of the land sold will only go to

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 it's 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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MINUTES OF THE CITY OF DIAMOND BAR
REGULAR MEETING OF THE PLANNING COMMISSION
APRIL 27, 2010

CALL TO ORDER:

Chairman Torng called the meeting to order at 7:00 p.m. in the South Coast Air Quality Management District/Government Center Auditorium, 21865 Copley Drive, Diamond Bar, CA 91765.

PLEDGE OF ALLEGIANCE: C/Lee led the Pledge of Allegiance.

1. ROLL CALL:

Present: Commissioners Kwang Ho Lee, Jack Shah, Vice Chairman Kathy Nolan, and Chairman Tony Torng.

Absent: Commissioner Steve Nelson was excused.

Also present: Greg Gubman, Community Development Director; Brad Wohlenberg, Assistant City Attorney; Grace Lee, Senior Planner; Rick Yee, Senior Engineer, and Stella Marquez, Senior Administrative Assistant.

Consultants: Mark Rogers and JoAnne Sturges, TRG Land; Peter Lewandowski, Environmental Impact Sciences, Steve Sasaki, Sasaki Transportation Services.

2. MATTERS FROM THE AUDIENCE/PUBLIC COMMENTS: None

3. APPROVAL OF AGENDA: As presented.

4. CONSENT CALENDAR:

4.1 Minutes of the Regular Meeting of April 13, 2010.

C/Shah moved, VC/Nolan seconded, to approve the Minutes of the Regular Meeting of April 13, 2010, as corrected. Motion carried by the following Roll Call vote:

AYES:	COMMISSIONERS:	Shah, VC/Nolan, Chair/Torng
NOES:	COMMISSIONERS:	None
ABSTAIN:	COMMISSIONERS:	Lee
ABSENT:	COMMISSIONERS:	Nelson

5. OLD BUSINESS: None

6. NEW BUSINESS: None

7. PUBLIC HEARINGS:

7.1 **Site "D" Specific Plan** – Pursuant to the Subdivision Map Act; Title 21 – City's Subdivision Ordinance; and Title 22 – Development Code Sections 22.60 and 22.70, the proposed project is to recommend approval of the following to the City Council. (Continued from April 13, 2010)

General Plan Amendment No. 2007-03 – A request to change the land use designations from Public Facility (PF) and General Commercial (C-1) to Specific Plan (SP).

Zone Change No. 2007-04 – A request to change the zoning districts from Low Density Residential (RL) and Neighborhood Commercial (C-1) to Specific Plan (SP).

Specific Plan No. 2007-01 – a Request to adopt the Site D Specific Plan for approximately 30.36-acre site for the construction of 202 residential dwelling units; 153,985 gross square feet of commercial use; and approximately 10.11 acres of open space areas, easements and rights-of-way.

Tentative Tract Map No. 70687 – A request 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.

Environmental Impact Report No. 2007-02 – A request to certify the final EIR which provides a detailed analysis of potential environmental impacts associated with the development of the Specific Plan area. The EIR includes mitigation measures for the project, addresses project alternatives, identifies the environmentally superior project alternative, and adopts a statement of overriding considerations.

Project Address: Site 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, 8714-002,093, and 8714-015-001).

Applicant: Walnut Valley Unified School District and City of Diamond Bar

Lead Agency: City of Diamond Bar
Community Development Department

ACA/Wohlenberg explained that at its last meeting on April 13, 2010, the Commission closed the public hearing following the public comment period. There is a procedure for reopening public hearings during the same meeting. If the public hearing is reopened at a different meeting it would require that the item be officially re-noticed and continued to the next Planning Commission meeting. This procedure is not just for the benefit of those present this evening that would like to speak; if it were known that there would be additional opportunity for public comment there may have been others who would have appeared at tonight's meeting to speak but did not do so because they believed there was no opportunity for further public comment. It would require action of the Commission to direct staff to re-notice the hearing so that it could be reopened at the next meeting.

C/Shah said he would recommend the public hearing not be reopened and that the Commission move forward as scheduled to receive responses to comments and that the Commission continue with its deliberation as scheduled.

C/Lee concurred stating that he listened to the tapes of the last meeting and was prepared to move forward.

VC/Nolan moved to continue the item to May 11, 2010, and direct staff to re-notice the meeting to allow for further public comment. The motion died for lack of a second.

C/Lee confirmed to Chair/Torng that he had listened to the entire taped meeting and was prepared to move forward to deliberation.

Chair/Torng advised the public that the Planning Commission was acting in an advisory capacity to the City Council and that following staff's responses to the public comments received during the public hearing on April 13, 2010, the Commissioners would deliberate and the Commission would make its recommendation to City Council. The City Council is the final authority on the matter and the public will be notified of future public hearings if and when the matter goes to the City Council for deliberation.

Chair/Torng acknowledged receipt of letters from Lee Paulson, Melony Paulson, Mary Rodriquez and Christopher Chung. Emails were received from Mary Rodriquez, John Yang, David Dorsey, Julie Leung and Christopher Chung.

CDD/Gubman presented staff's report and addressed questions and comments raised by audience prior to close of the public hearing followed by response to Commissioner's questions after which the Commission will determine the next steps. CDD/Gubman said that rather than respond to the questions and comments item by item, he would address them collectively by topic.

CDD/Gubman said that staff understands that this project has garnered a great deal of opposition from the community and there has been a great deal of criticism of staff for not making any fundamental changes to the parameters of the Specific Plan. While the criticism is well received, he clarified that the cornerstone for this Specific Plan is the Memorandum of Understanding (MOU) that was crafted between the City and the Walnut Valley Unified School District (WVUSD), the premise of which was that staff was to develop a Specific Plan that consisted of 50 percent residential and 50 percent commercial. The plan that staff crafted and worked on is based on those fundamentals. Accordingly, the City's consultant TGR Land studied the property and developed a physical plan that established the land form that would be appropriate for accommodating a commercial development and residential development. The physical plan that has been presented demonstrates how that land form has been envisioned for this site based on technical analysis and existing conditions of the site as well as, access points to the project.

CDD/Gubman stated that the Specific Plan is characterized as an "umbrella" or framework plan for this site. As stated at the first meeting, there is a range of planning tools that could be used to set forth the long range development objectives for the site, one of which could simply be rezoning the property. However, a Specific Plan is a tool in which much more rigorous land use strategies, requirements and other specifications tailored to the particular characteristics of this property can be employed. As memorialized in the MOU, staff opted to do a Specific Plan, the intent of which was not to create a detailed development plan. There are no developers that are lined up, signed up or even in talks to develop this property. So, there is not a development plan that staff can base a document on, but instead staff formulated some planning principles and created a document of what the City's vision for this site is based on the commercial/residential makeup of the property and specify in diagrams, graphics and words what the physical and land use characteristics of this site should be at build-out. By creating this plan and conducting the environmental analysis, the strategy is to have an entitlement or vested approval in place to put this property out to market. Having an entitlement in place adds value to the property and removes many of the unknowns about what can or cannot be developed on this site. By eliminating those uncertainties, the value of the land is increased. At the same time, it is very clear how many units are the maximum that may be developed and possibly fewer units can be developed. However, 202 units would be the maximum under what is being proposed with this site plan, along with about 154,000 square feet of commercial development. This plan also specifies where those land uses will be organized on the site and outlines the physical envelopes for those physical components, along with the access, backbone road and provisions for pedestrian interaction between the commercial and residential components. The plan for residential is based on the General Plan Consistency Analysis and promotes several General Plan Goals and Objectives as well, and

staff has presented its recommendations for making those findings in the Specific Plan. This public hearing process provides an opportunity for the Commission to consider opposing viewpoints that have been presented by the public. Staff is confident that the project is furthering several development General Plan goals and objectives to provide housing in the community, to diversify the housing stock and staff believes that it has formulated a plan that is compatible with the surrounding areas to preserve the integrity of the neighboring land uses. Again, that is a matter for the Planning Commission to deliberate and in doing so, consider all of the testimony, and determine whether to concur with staff's recommendation.

CDD/Gubman stated that if the objective was for the City to help the school district maximize its return (get the most money for its property) the City would be presenting a plan comprised of 100 percent residential; however, the City is looking at this site with other community needs in mind to create a balanced community, to provide a range of services for the community and to provide a sustainable revenue opportunity given that the site is located at a major intersection in the City. The part of the plan that introduces the commercial was the City's contribution to the MOU. The City did not view 100 percent residential as the best long-range plan for this site understanding that market conditions are really a snapshot in time and a market study done two years ago would look nothing like a market study done today and looking into the long-term horizon for the City, would the community be better served by additional commercial or a neighborhood serving commercial uses. The City contributed this component to the MOU that provided this. Is the tax revenue generation or the potential to generate tax revenue the sole driving factor? While it is certainly one of the driving factors it is certainly not the only driving factor. Again, if the City was solely motivated toward tax revenue it would not necessarily be looking at a commercial component that would only accommodate a neighborhood serving commercial use because the amount of sales tax generated from that component would not make or break the City. It certainly helps to diversify and enhance the City's revenue portfolio but it is not something that is the only factor that the City feels is a justification to propose commercial at this site – it is the opportunity to take a corner at an arterial and to seize the opportunity to add additional commercial services for the community. Staff understands that there is not support from those who have participated in this process with their oral and written comments; however, that is the reason why the City holds the hearing process.

CDD/Gubman said that staff takes exception to the comments that the public input was ignored or disregarded or treated flippantly. There was a scoping meeting prior to the Environmental Impact Report (EIR) preparation and there was a public comment meeting to provide an opportunity for the public to speak on the aspects of the EIR. Staff explained that those were not the times for the City to debate or deliberate on the merits of the plan itself but to focus on the environmental issues

that need to be analyzed, and if the analysis was thorough and sufficiently fleshed out to enable the Commission to feel that it has been disclosed and apprised of all facts that go into the entirety of this decision – not only the environmental, but the appropriateness of the proposed land uses in the Specific Plan document as a whole. Staff certainly did not preclude people from speaking on the merits of the plan and voice their opposition to the project itself, to bring up the 1991 Resolution by the DBIA to develop the site as a park, etc. All of those comments are in the record and they have all been published and presented to the Commission in the Draft and Final EIR. All comments received have been recorded. Now that the decision making process begins through the Planning Commission and City Council hearings it is the time to consider the appropriateness, the merits and the benefit to the community of this Specific Plan in its entirety. Staff believes that it made a genuine effort to facilitate government to include all comments and to provide the public the opportunity to express their views. Staff's responses through the EIR process were only to the environmental issues and for that reason in the response to comments of the EIR there are numerous occasions that repeat "this comment is acknowledged" because it is not a CEQA issue but another issue. Nevertheless, those comments are acknowledged and published and they are disclosed to the Commission. In addition to the public hearing process opened last meeting (April 13, 2010) there is a very detailed and extensive record of where those members of who have taken the time to participate in this process stand on the matter. He hopes with that said that there is some consideration for staff's effort to provide the Commission with that information. This process was not a municipal or park or public improvement project where a neighborhood charette would have been used to solicit public input. This was a development proposal with staff acting as the applicant. This process did not provide the format for the type of participation that a community project would.

CDD/Gubman stated that there are numerous factual errors contained in the letter from Christopher Chung that need to be addressed on the record. First comment is that the Specific Plan is inadequate, inconsistent and does not meet statutory requirements. With that statement the contention is that the Specific Plan does not prescribe architectural and landscape details or specify other criteria in greater detail. Section 65451 of the California Government Code specifies the required content of the Specific Plan and that level of detail is not mandated. In fact, the Governor's Office of Planning and Research has a publication entitled *The Planner's Guide to Specific Plans* which states in its opening paragraph "a Specific Plan may be as general as setting forth broad policy concepts or as detailed as providing direction to every facet of the development from the type, location and intensity of uses, to the design and capacity of infrastructure, from the resources used to the financed public improvements, to the design guidelines of the subdivision." The Draft Specific Plan the City is presenting fits within these very broad parameters. Moreover, the Site D Specific Plan is very similar in format to the Specific Plan that was prepared for the Target/ Brookfield/Calvary Chapel site,

which was adopted and approved. The second point raised is "the City cannot use Site D as justification to meet regional housing needs assessment housing needs or to meet RHNA numbers" and this is simply untrue. The City is obligated to accommodate 1,098 new housing units during the current RHNA cycle. Part of that obligation is to designate 15.6 acres for residential development at a density of 30 units per acre to accommodate lower income housing needs for 466 units. Site D is not one of the several sites being studied to accommodate that need. Site D would help fulfill the City's obligation to provide the 632 market rate units under the current RHNA allocation. The third comment that is factually incorrect is that the EIR scoping meeting was conducted after the Draft EIR was released. This is incorrect. The scoping meeting was conducted on February 21, 2008. The Neighborhood Forum held on August 3, 2009, was during the Draft EIR public comment period and was provided as an additional opportunity for the public to ask questions and provide oral and written comments regarding the adequacy of the EIR. Unlike the previous scoping meeting, the August 3, 2009, meeting was not mandated under CEQA but the City scheduled the meeting in an effort to inform the public and to solicit comments. The fourth comment is that the EIR was not completed by an objective third party independent consultant that has no prior relationship with the WVUSD. For the record, TRG Land did *not* prepare the EIR and does not provide environmental services. The City selected the firm Environmental Impact Sciences to prepare the EIR. The fifth comment stated in effect that the traffic mitigation in the form of fair-share fees is inadequate and violates case law set forth under Federation of Hillside and Canyon Associates v. the City of Los Angeles. The EIR's mitigation reporting and monitoring program that is part of the EIR document requires the specific improvements or fair-share contributions shall be provided prior to the recording of the final Tract Map. This is not a violation of FHCA v. Los Angeles. FHCA v. Los Angeles did not deem the payment of fair-share fees to be invalid. What the case law cited determined was that although the City of Los Angeles adopted mitigation measures for its General Plan framework program, it failed to require that they be implemented as a condition of development. The Site D EIR does not make that error in that the improvements or fair-share contributions are required to be paid or completed upon recordation of the final Map. In fact, going further, he pointed out that the court decision went on to state that it found no fault with Los Angeles's certification of that EIR but only with the failure to show substantial evidence in the record to support a finding that the mitigation measures had been required or incorporated into the planning document. The sixth statement was a comment that it is the responsibility of the lead agency to consider all viable project alternatives. This is untrue. Under Goleta Valley vs. The Board of Supervisors, it was determined that an EIR must discuss a reasonable range of potentially feasible alternatives to the proposed project. Staff believes that the Site D EIR has indeed discussed a reasonable range of project alternatives. Finally, there is a statement that the City of Diamond Bar's noticing radius is 700 feet from property lines and the City arbitrarily increased the radius to 1000 feet, therefore, should extend the

notification range even farther out. This is untrue. In fact, Section 22.72.020 requires a 1000-foot notification radius for the Site D Specific Plan.

CDD/Gubman asked if the Commissioners had any questions. C/Lee said he heard the same story last time and he believes that the public hearing process is not a lecturing process. He listened to the two and one-half hour tapes of the last meeting and heard many residents voice their concerns as well as their wishes. He understands residents clearly expressed their thoughts; he understands this project and its relative impact to the community. But on the agenda it states a Finding of Fact and Statement of Overriding Considerations, and implementation with the identified economic and social benefits. He said he understood the economic benefit but did not understand the social benefit. CDD/Gubman explained that it is adding to the diversity of Diamond Bar's housing stock and providing additional housing opportunities. C/Lee asked if "housing stock is a social benefit" and CDD/Gubman responded "yes." C/Lee said there is maybe sociality? But a social benefit is not that. Maybe housing stock is a benefit but not a social benefit. He asked for a better explanation of "social benefit." ACA/Wohlenberg explained that there is an underlying thought in California Land Use law and in Housing law that there should be a community that has a variety of housing types and pricing available. And something that Diamond Bar hears as a comment from the State of California in the review of its Housing Element is that so much of Diamond Bar's housing is focused on the higher economic spectrum. So in order to seek out that benefit of having diverse housing choices within the City, that is part of what this project is aimed at providing – not the high end housing that Diamond Bar has so much of but mid-range housing units that Diamond Bar needs (another 632 units) under its RHNA obligation. C/Lee argued that the statement should be "housing stock benefits" and not social benefits. Mark Rogers stated that in addition to the aforementioned benefits, the project seeks to do a number of things. First, the project is using both commercial and residential land uses in an area that as he understands, has a need for neighborhood commercial services. The idea today and what is seen as handed down by the State of California is that it is looking for projects where there is a blend of land uses to cut down vehicle miles traveled and place uses where there is a pedestrian trail that connects the adjoining neighborhood on the south end of the project into a plaza-like feature anticipated with a commercial side of the project. In that instance, this project meets social standards from the state's standards in providing a mixed land use with both residential and commercial. He hopes that he is not stretching when he also states that the benefit of this project monetarily to the WVUSD and maybe secondarily to the City, has tremendous social benefit. The values that he sees in this community are born out of the great education that the children get from their school systems. This is a timely project from the standpoint of providing needed fund for the district and that, he believes, has tremendous and long-reaching social benefit.

C/Lee said the report mentions this project would be convenient for people but can he talk about social benefit as common sense. This project will be good for families, education involvement. He heard many negative comments from residents because there is no social benefit. So he wants to understand clearly what social benefit is. But Mr. Rogers's understanding is a convenience of more houses so there is a contradiction. This comment should be changed to "more housing stock or more convenience for shopping but not social benefit because people can misunderstand about this project. C/Lee asked how this project building more houses and building more commercial areas is related to education, and CDD/Gubman responded "in that the sale of the property benefits the school district." C/Lee asked if that is why it helps people and kids grow up in this community. He thought it was totally irrelevant explanation about this project with respect to education. C/Lee asked for clarification of "social benefit" and asked if it could be changed "housing stock benefit or convenient to the people or shoppers." CDD/Gubman responded yes, that the changes can be made so that his concerns are addressed.

VC/Nolan asked if socialize meant how it socially benefits the community at large. CDD/Gubman said that when the document addresses social benefit it refers to the entire palette of elements that enhance the society. ACA/Wohlenberg said that when making a statement of overriding considerations it simply discusses the economic and social benefits that would occur from deciding to move forward even though there is unmitigated significant impact. To him that is sort of "catch-all" language that the legislature adopted. There are economic benefits and social benefits and everything falls into one of those two categories.

C/Shah asked what could be built under the land use designation of Public Facility and General Commercial if nothing is done to change the land use to Specific Plan. CDD/Gubman responded that currently there is a fundamental inconsistency between the General Plan and the zoning. The General Plan designation is Public Facility which would suggest a school or park. The zoning that is overlaid on that is residential and commercial so there is a General Plan zoning inconsistency that would have to be resolved to enable the property to be developed in some fashion.

Chair/Torng asked for a response to Mr. Chung's statement on Page 1 of his letter that refers to "the proposed high-density residential land use is incompatible with adjacent land use and inconsistent with the General Plan." CDD/Gubman said that was a fair argument. Staff's position is that this housing type is compatible with the surrounding uses. It is not located within a local neighborhood street completely encircled by single family detached residences. This property does have its back turned on the single family neighborhood and faces a major arterial. Based on that context an attached housing product on this site would be appropriate and if one looks throughout the City, one will see similar land use

relationships between those housing types that co-exist under similar contexts and disagreed that it is an inconsistent land use.

Chair/Torng asked about Mr. Chung's statement on Page 6: "The consultant provided a representation that the development of the housing would be of high quality for moderate income families." The inconsistency is that this should be low income. CDD/Gubman said that the first thing he needs to clarify is that high density would be for 30-units to the acre. This residential project proposed at 20-unit per acre on the development pads is exclusive of the slopes front and back. Therefore, the effective density is closer to 17-units per acre. The 30-unit per acre density requirement that staff is studying for locations elsewhere in the City is considered a default density for affordable housing so the state views a development at 30-units per acre as probably accommodating affordable housing, at least in this region given the property values and existing levels of urbanization. Thirty units per acre in Manhattan would be extremely low density for example, so it is all relative. Site D would be attached housing probably similar to the Brookfield development above Target which is market rate housing.

Chair/Torng said he raised a concern about Page 15 of Mr. Chung's letter - the grubbing and grading near the homes toward the channel to ensure that insects and rodents are driven away from homes. This should have been a mitigation measure but nothing has come up about it. Is there any way this can be mitigated? CDD/Gubman responded that there is a standard requirement in the issuance of grading plans that rodent barriers be installed around the perimeter of a project. Staff believes that would be a more effective means of containing the rodent population within the project site to effectively be decimated by development activity. The prospect of grubbing at the edge of the site or at the center is somewhat speculative in the belief that that is going to drive the rodent population inward. He said he did not see how that was something the City could guarantee unless there is one solid line of machinery that moves contiguously and together toward the center. The City's grading permit requirements include a rodent barrier to imbed into the ground and prevent the offsite migration in order to more effectively achieve that goal. Chair/Torng said, so in other words, staff already considered that and CDD/Gubman responded "yes," although it should be noted that specific discussion of rodent barriers was not included in the EIR response to comments.

CDD/Gubman responded to Chair/Torng that 7:00 a.m. (not 8:00 a.m.) is the citywide noise regulation standard for construction activity.

VC/Nolan asked if the City had the resources of a buyer to purchase green space for a recreational facility. CDD/Gubman explained that Site D is not included in the Parks Master Plan and since the MOU expressly states that the Specific Plan

should be prepared to accommodate 50 percent residential and 50 percent commercial, the response would be "no" at this point.

Mark Rogers, TRG Land, pointed out that one of the terms the Commissioners should keep in mind for the purposes of this process is "predictable outcome." It is a term he uses a lot speaking about development and the experiences he has had with development. In an effort to ensure what the Commission deliberates on and what the Council will deliberate on and make a decision on is truly what can happen as a built project. This project, like many projects he has had an opportunity to work with, focus on ensuring that the property is mapped, set forward design parameters and a regulatory envelope so that at the end of the day as deliberated and conceived can be built. TRG has done an extraordinary amount of scientific work to ensure public safety in this project. A lot of what would normally be required in a process like this to ensure this is a quality built site. These are two public bodies that are working together to bring a project before its constituents and what is so interesting about that is that he and his colleagues sat around brainstorming the project working with things everyone has experienced in an attempt to provide a framework that TRG Land feels meets the concerns and issues they deal with on a daily basis.

Mr. Rogers stated that in the absence of a more elaborate graphic, he focused his PowerPoint presentation on the edges of the project because this is a two-step process. This attempts to build an envelope or umbrella within which a project of merit can be built. So he has focused on the edges of the project to ensure adequate setbacks and spaces that meet the intent. Along Brea Canyon, the street grade is about 10 feet below pad grade. His firm ensures that from the back or right-of-way to anything within this project there is a minimum of 35 feet. In addition, there may be an area for cars to butt right up against that setback so an additional space was allocated so that car bumpers are setback well behind that area which offers a minimum setback from top of slope of an additional five feet beyond the 35-foot setback. At the corner of the project, the vision was at that the corner of Brea Canyon and Diamond Bar Boulevard create something like an arrival/plaza space in the project.

Chair/Torng asked if the lower legend side is people's view driving from Diamond Bar Boulevard and the view on the right is the potential site elevation. He asked about the triangle. Mr. Rogers responded that is the condition he is describing – the arrival/plaza space. The first section is the section going toward Diamond Bar Boulevard and Brea Canyon so that it shows on the right hand side the upslope to the project. When he spoke two weeks ago he said the project was "at grade." In fact, it is as close as possible. It is still above the street. One of the corners was that drivers would see it as asphalt and that is not true. He said he would later show similar projects and how they are monumented. The second section is driving down Diamond Bar Boulevard in the direction of Grand Avenue away from

Brea Canyon. This shows a very strong setback of 35-feet to a monument feature with a very strong community gathering type of spot such as an outdoor eating area or loggia located at the corner to monument the corner. As one moves closer to the entry at Cherrydale driving down Diamond Bar Boulevard toward Grand Avenue, the project is much closer to grade and the building setback from back of right-of-way is a minimum of 35-feet. These are very healthy setbacks well above most minimum standards for most typical zoning. Sections along the project edges such as mid-point locations, Section 4 is cut from Diamond Bar Boulevard with the uphill section showing the project considerably elevated above the street. Again, this area ensures adequate setbacks without allowing any buildings closer than 15 feet to the top of slope. In this case, at a minimum will be set back 125 feet away from Diamond Bar Boulevard. The slope planting incorporates indigenous, low water, drought tolerant plants as well as plants that will mitigate for the reduction of black walnut. Mr. Rogers responded to C/Shah that the elevation difference between the houses and the street is roughly 60 feet. The next section is the section cut along the edge of the project that joins Ambusher. The existing housing is below grade to the site. In this case the grade is being lowered to reduce some of the vertical between the two relationships. This is very unique to a standard imbedded in a project like this because a minimum 85 foot setback will exist along the edge to ensure adequate distance for buffering and landscape and so that the buildings do not create an incompatible relationship to the adjoining residential. One hundred twenty (120) feet of horizontal distance lies between the houses and the buildings and landscape screening will be used to enhance the edge. Again, these setbacks are above and beyond the normal setback requirements in a project of this nature. Mr. Rogers responded to Chair/Torng that there will be a fence between the trees. The upper south side neighborhood is well above the project. Section 6 at the midpoint of the project is well below that neighborhood. There is a huge setback distance both horizontally (184 feet) and vertically (60 feet) in this project relationship. The next section further up the street (Section 7) shows an even greater vertical and horizontal relationship with 365 feet between the existing residences and the project's buildings.

Mr. Rogers shared images of other projects that are similar to how he visualizes some of the key elements in the commercial center for the Site D Specific Plan.

VC/Nolan asked if the ratio of black walnut replacement ratio is based on the actual success rate or unsuccessful rate. CDD/Gubman responded that the ratio is not related to any estimated success rates and is a code requirement found in the Municipal Code that there be a 3:1 ratio for protected trees that are removed. The applicant may also be required, as a condition of approval, to enter into a tree maintenance agreement to warranty the survival of the replacement trees. For example, the City may require the applicant to replace any tree that does not survive during the first three years. VC/Nolan asked the ratio of successful replacement tree plantings and CDD/Gubman said it would depend on the quality

of the nursery stock. If the replacement tree is from a reputable nursery that employs best practices for cultivating trees and offering guarantees, then the likelihood of success should not be a concern.

Chair/Torng asked why the City would want to remove the 100-year old Eucalyptus trees and replace them with better trees. CDD/Gubman stated that the plan for the site with the commercial component compels the commercial pad to be lowered. The fact that the site is going to be graded necessitates removal of the trees. The Tree Ordinance focuses on protected trees – trees that are indigenous to this area. And what the City envisions is restoring the urban forest in the new development with climate appropriate trees. The Eucalyptus tree is not within that realm. Mr. Rogers further stated that if there were a way to realize the project before the Commission for consideration and maintain those trees, the project would probably have sought to do that. These trees have a life cycle and they are reaching the end of that cycle where they will no longer be vital. In fact, they may become more of a hazard over time. More importantly, he has done a number of projects wherein the Eucalyptus was retained and it is a tough task on flat ground much less on a hillside environment. If the trees were live oak that had an extended life period there may have been consideration for boxing and relocating the trees to the project feature and if the trees could be retained in their present location the project would have sought to do that. However, these trees are nearing the end of their life cycle and over time will be more of a problem than a benefit. This project attempts to implement current legislation to attempt to get a carbon footprint down. A lot of things being done in terms of water harvesting, plant selection, utilization of 50 percent solar, everything that is imbedded in current technology for purposes of meeting these goals, is a part of this project. He invited the district to use this project to measure the benefits of going in this direction. This project will be state-of-the art and raises the bar for what projects can be in terms of carbon footprints and meeting goals handed down by the state today.

Chair/Torng said he appreciated Mr. Roger's effort to create the site cross-sections for clarity which he requested and believes it helps to clarify and provide a better understanding of the project. He read a comment from Page 3 of the letter from Melony Paulson. She said "Part of the site could be a park. It might not be as large as some of us might like, but it would (be) better than acres of hot, desolate pavement that is now being envisioned for the site." In the final paragraph she said "Then, think about the plan I have suggested above. Think about an urban city center, a living, shopping, park space set into the natural setting of Site 'D'." So by looking at what has been shown on the plan, is there a possibility of incorporating a small park. Mr. Rogers said that naturally, there is always the possibility of doing a park feature. He liked the focus on an idea brought forward by CM/DeStefano to have a plaza in the corner near the flood channel. Perhaps the project could include a pedestrian corridor that reaches back to the main

commercial structures from that location. Maybe a park of a different nature that utilizes green space and canopy that extends a walkway system back from the corner with the loggia concept, an urban gathering space, and maybe that loggia concept is connected with the greenway that goes back to the main structures. What was envisioned by a Council Member was the inclusion of a trail system from Posado down to the back of the commercial structure. So what was envisioned in the Specific Plan is a very similar type of feature as is called out on the corner at the apex of the buildings where they join at the back of the property. And what might be considered is those two being like an urban hub with a trellis or shaded walkway system that connects those two hubs to one another as an urban park setting, which might accommodate some of Ms. Paulson's concerns.

VC/Nolan said she believed the raised separate pad off of Cherrydale at Diamond Bar Boulevard is potentially something that could be used for a restaurant. What is the size of that pad and what is the potential for an actual park in that area and perhaps 20-30 percent of the commercial area being removed and replaced by an actual park facility. She stated that the Commission has heard the concerns from the community again and again regarding a park and again, to speak to the social aspect of this area. Mr. Rogers said that naturally, that is an opportunity that has not been explored at this point. What is located in the corner is a water quality feature/ambient open space. If there is a grassy swale that functions as a water quality feature they usually like to associate it with other open space to get a benefit from both being next to each other and the expanded idea. Corners are important places in commercial projects in terms of locating restaurants or banks on free standing pads. The more critical of those is probably at the intersection of Diamond Bar Boulevard and Brea Canyon. He believed that the concept as discussed is imbedded in the plan but certainly this would make for an opportunity to have a park feature that could be used by both residents outside and inside the area. VC/Nolan asked how much area of the swale would be needed to make it a designated park area in acreage off of the commercial portion. Mr. Rogers said it was a pretty tough question to answer on the fly because it is a function of programming. If it is seen as not having active uses but being a tot lot, seating area, passive shade structure, etc., it might be a two-acre site. When one gets into active facilities it begins to expand to five acres and certain municipalities require different sizes for those uses because the City would usually be responsible for the maintenance. A smaller venue that would be more appropriate to the plan of residential/commercial features would accommodate a one or two acre facility in that corner benefitted by the other adjacent features such as setbacks and water quality elements that would help to expand the usable area.

Chair/Torng asked if the Commission could recommend inclusion of a park feature and CDD/Gubman responded yes, if that is the direction the Commission wants to go he would suggest that it be incorporated into the recommendation to the City Council. Since there is a draft resolution prepared for the Commission and if the

Commission is in agreement with that draft resolution with the additional provision that a park element be incorporated staff could come back on May 11 with a revised resolution for adoption. Or, the Commission could take a short recess and craft language this evening if that is what the Commission would prefer.

RECESS: Chair/Torng recessed the meeting at 8:40 p.m.

RECONVENE: Chair/Torng reconvened the meeting at 8:45 p.m.

SE/Yee and Consulting Traffic Engineer Steve Sasaki provided information in response to questions and comments raised at the April 13 meeting, as well as written questions and comments regarding traffic. SE/Yee stated that he would collectively address the questions and comments by category.

SE/Yee responded to a comment raised regarding whether or not cumulative impacts of the proposed project were adequately addressed in the traffic study. The traffic study did indeed address several proposed projects listed including residential development in The Country Estates, Diamond Hills Plaza (formerly the Country Hills Towne Centre), the Industry Business Center/Stadium and the Aera Energy planned community. Specifically, the resident raised an issue with respect to the stadium and the traffic study for Site D began prior to when the stadium EIR was approved. However, the traffic engineer who prepared the Site D study assessed the current information available with respect to the stadium EIR and it was determined that the appropriate approach would be to look at the prior development proposed for the stadium site which is the Industry Business Center and to look at the impact to the peak hour travel times. Ultimately, this resulted in looking at the am/pm peak hour trip forecasts and the conservative approach is to the use the Industry Business Center traffic forecast because it generated much higher forecasts for the am/pm peak periods. Second, there was a concern about the H-Mart. As previously mentioned, the H-Mart is part of Diamond Hills Plaza and was addressed in the study with respect to trip generation forecasts for that and other retail establishments in the plaza. Third, there was a comment regarding school area circulation and Castle Rock Elementary access concerns and wait times for student drop off and pick up. Essentially, this is a situation that occurs throughout Diamond Bar and in fact, with many communities in Southern California. The City experiences high levels of traffic during very specific timeframes in the early morning and early afternoon hours. The City has addressed this issue uniformly throughout the City by working closely with the Sheriff's Department and school districts to monitor those situations and to proactively address operational improvements that can help with circulation during peak hour drop off and pick up. Chaparral Middle School is a good example of collaboration among the City, Sheriff's Department and school. Staff was able to establish one-way circulation routes; post additional regulatory signs, etc. Those types of actions have proved successful with regard to addressing school area

traffic. Fourth, there was a concern expressed about the general ingress/egress because there is a proposal for 202 dwelling units and the comments contended that there should be 404 trips associated with peak hours. However, the analysis procedure that was followed in this traffic study is a procedure that is commonly followed in the industry. The traffic engineer used the Trip Generation Handbook published by the Institute of Traffic Engineers which is universally used for assessing impacts and determining trip generation rates. These trip generation rates are based on land uses and in this case, there was a component for the residential portion and a separate trip generation forecast for the commercial/retail component. As a result, 154 trips were considered to be the outbound A.M. peak hour number of trips from the residential units. Staff is confident with the methodology used in this study.

SE/Yee said that several individuals commented on particular intersections that were not studied in this report. One intersection referenced by two different individuals who offered comments was Brea Canyon Road and Copper Canyon. The report studied a total of 20 intersections in the vicinity of the proposed project with the farthest intersection being Grand Avenue at Diamond Bar Boulevard. The traffic engineer who prepared the study looked at several criteria for selecting the intersections such as whether or not there would be more than 50 trips added to a particular intersection as a result of the project; whether or not the intersections were signalized, whether or not the intersection is an arterial to arterial intersection, arterial to a collector road intersection, or a residential intersection. All of those factors were considered and evaluated in determining which intersections needed to be included. Based on the criteria, Copper Canyon was deemed not necessary to be included in the study. Copper Canyon is a T-Intersection between an arterial and a residential collector street, it is currently not signalized, it is a single stop intersection and the intersection approach generally serves right turns in and right turns out. There are mitigations recommended in this study for the next intersection downstream from the project (Brea Canyon and Silver Bullet), which is an intersection that requires a fair-share contribution by the development to restripe and install an additional lane of traffic and to modify the traffic signal to improve flow through the intersection as well as, general traffic flow along Brea Canyon Road. That in combination with the determination to exclude Copper Canyon from the study was felt to be appropriate that the downstream mitigations would address any additional concerns. The last comment received addressed the relevance of the Traffic Study data. There were several concerns with the date of data collection versus present day. Data was collected in 2007 and much of this Traffic Study report, as with any traffic study report has impacts and mitigations based on future forecasts. In this case the study was based on a 2030 year traffic forecast, the critical numbers used to determine ultimate mitigation. Again, it was deemed appropriate to use the data that was collected because the critical data and forecast were still relevant for determining mitigation for this project. SE/Yee addressed Chair/Torng's request for additional information

related to the volumes for the project with and without the project by showing a slide that showed actual traffic counts for AM/PM peak hours for the intersections. There was also a question about fair-share contributions.

Steve Sasaki, Sasaki Transportation Services, highlighted a question about use of fair-share as a mitigation practice. He confirmed that fair-share mitigation is an accepted mitigation procedure which serves to create a firm nexus between the project impacts and the required mitigations so that the City is able to offset the project impacts through use of a fair-share vehicle. It is also a way to satisfy the City's adopted Traffic Study Guideline procedure. Within the Traffic Study Guideline there is a requirement for fair-share contributions and the fair-share mitigation serves to satisfy the guidelines. Within the mitigation measures themselves there is an opportunity to provide a fair-share or actual construction of improvements and whichever method is selected, would need to be done to the satisfaction of the City Engineer. Within those parameters the City has a very solid mitigation program to offset the project's impacts.

VC/Nolan said the A.M. traffic trips indicated were 154 trips and she assumed that would be mirrored for the P.M. trips. SE/Yee explained that they would be different based on the methodology. Mr. Sasaki explained that since there is a combination of both residential and commercial uses, the residential is pretty much as stated as those going out in the morning tend to come back in the evening so that is fairly balanced. However, with commercial, typically there will be a lower A.M. trip generation and more trips generated in the P.M. The net trip generation is 272 in the A.M. peak hour includes both inbound and outbound vehicles. For the P.M. it is actually 650 peak hour trips (332 inbound and 318 outbound). When there is a mixed use of residential and commercial, obviously some of the people who live on site are going to shop at the adjacent commercial and most likely that relationship is a lot higher than some residential away from the project. Individuals tend to shop at the closest location. There can be and is often a reduction to account for the internal synergy. This particular study was done on a worst-case basis so it did not make those reductions. In attempting to create the envelope and looking at what mitigations were needed, that is one factor that makes it more of a worst-case analysis that that particular reduction was not made within the trip generation analysis. So the numbers shown are essentially worst-case. SE/Yee clarified to VC/Nolan that out of the 154 trips outbound A.M., 75 of those trips were associated with the condominium development and 79 were associated with the retail center.

C/Shah asked if a nine percent increase in Diamond Bar Boulevard and Brea Canyon Road P.M. traffic was a moderate or significant impact. Mr. Sasaki said that for Diamond Bar Boulevard at Brea Canyon there were impacts that were identified within the traffic study and then there were also offsetting mitigation measures so it would be considered a significant impact that was identified

through the traffic study within the EIR. But then also there were mitigation measures that were identified that would fix or offset those impacts.

Chair/Torng asked at what point – two percent or four percent - a fair-share contribution would be required. SE/Yee responded to Chair/Torng that the City's traffic guideline in general refers to a greater than two percent impact would kick it into a category of needing mitigation. The guidelines also indicate that if the City determines that an impact less than two percent is judged to be significant it would enable the City to require mitigation even though it did not meet the two-percent requirement.

Chair/Torng asked staff to comment further on the impact to Copper Canyon because he believed it would be very difficult to make a left turn at the peak hour. Mr. Sasaki said it was an advantage to have an internal connection and the signal at Silver Bullet presents an opportunity to make a left turn under signal control. In the P.M. drivers make left turns from Brea Canyon into the development so if someone is traveling southbound on Brea Canyon, residents do make a left turn in but that was not viewed as problematic. Chair/Torng asked if striping could be added to help the residents. Mr. Sasaki said it was not determined that there was a project nexus. There may be over time that residents would ask for improvements from the City to help improve ingress/egress at that location but that would be separate from this project. Chair/Torng asked if they would go to the Traffic and Transportation Commission and Mr. Sasaki said he did not know what the process was for that in Diamond Bar but obviously, the project does not have ingress/egress through that side street. So it is viewed as more of an issue related to the neighborhood which very well could be legitimate and could be pursued for improvement. As far as the study, it is viewed as something separate from the project.

CDD/Gubman said that the reports were completed and staff would respond to further questions.

VC/Nolan asked how the number of new homes for this project compares in general to new home development over the past five years as it pertains to overall traffic impacts citywide. CDD/Gubman responded that a total of 237 including the Brookfield development which is about 186 attached units from 2005 through 2009 based on the number of Certificates of Occupancy issued. VC/Nolan asked staff to elaborate on the issue of entitlement about the importance of how staff certified this EIR as opposed to if the land was purchased and an EIR was done post sale. CDD/Gubman said he touched on this matter before. Having a Certified Environmental Document in hand and having some certainty of the entitlements in terms of the land uses, the density, number of units and amount of square footage, if that approval is already in hand it will add value to property when it is marketed because the developer is not assuming that risk upon purchase.

VC/Nolan asked if there had been thought given to a park and recreation area in the form of a portion of this land being taken out of the sale and dedicated to the City of Diamond Bar for park and recreation use. CDD/Gubman asked if VC/Nolan intended that the commercial and residential mix would be retained but adding the park component and VC/Nolan responded "adding the park component even as part of the development and requiring that the developer create a park or just taking a certain acreage out of the equation completely." CDD/Gubman said that would be a discussion at a higher level but if it is the Commission's recommendation to have that park feature added to this Specific Plan he would presume, given the fiscally cautious approach the City takes on all matters of City business that the City would require the subsequent developer to construct those improvements and dedicate that to the City for public use. VC/Nolan asked if it would make the project less feasible or desirable for a developer to come in if that is a requirement and CDD/Gubman said he could not really answer whether it would be less feasible. The sale price of the property would be affected if that was a feature that the developer was obligated to construct and there may be other funding tools that could be used such as adding what you might call a "door charge" on the residential units that would be payable to the City because the park would reduce square footage by potentially 80 cents to $1 dollar of foregone sales tax revenue. As a result, the City may look to require some sort of fee to offset that loss of revenue stream from the residential units. With all of those factors taken into account, yes, the price tag on the property would reflect that requirement as any other development requirement would also affect the price tag. VC/Nolan said in that regard is there not already a fair-share amount toward park service per dwelling unit or per envelope and CDD/Gubman responded affirmatively and indicated that it is called a Quimby fee and for every development unit there is an assessment that is payable and what he is saying is that the City would look into exacting an additional fee from the residential development to offset the fee of reduced sales tax revenue that would be required to accommodate the park. CDD/Gubman said he was not suggesting that the fee he is talking about is the Quimby fee, it is something in addition to the Quimby fee to serve another purpose but it is the purview of the City Manager to determine how to manage the City's revenues and expenses. There will be a loss of sales tax revenue and there will be maintenance costs inherited with the addition of a new park facility so the City would look at some means to offset those costs. VC/Nolan said and those funds would go directly to this project site specifically as opposed to the assessment for dwelling units which could be disbursed throughout other parks in the City. CDD/Gubman said the funds would go into the General Fund and through the budgeting process the money would be allocated. VC/Nolan asked the potential length of a project like this from beginning to end when one considers inconvenience of construction, construction hours, a particular concern of hers with hours noted from 7:00 a.m. to 8:00 p.m. Monday through Saturday. CDD/Gubman stated that Mr. Rogers may be able to elaborate more on that issue but it would probably be a 12-18 month process from permit issuance to having

pads ready for actual construction of buildings. Mass grading may take about six months. Speaking from experience with construction hours he has worked in communities where the noise regulations allowed construction to begin at 6:00 a.m. and as the community developed and the new development sites were starting to be surrounded by populated development sites and there was beginning to be an impact on new residents the City looked at having the noise ordinance revised to require later construction hours and the hour was set at 7:00 a.m. He worked in another community where the construction ordinance was 8:00 a.m. and as development activity increased there was pressure from the construction industry to allow an earlier start time and it is really a matter of coordination with all of the trades and how the industry operates. There are concrete batching plants that are mixing concrete that has a short shelf life and that material needs to be delivered before it gets too hot; there are delivery trucks dropping off lumber and they are trying to make their rounds and then as construction starts later in the day and the weather is warm, the end time is not necessarily later in the day so it shortens the duration of the work day so that could potentially lengthen the construction period. So the balance seems to gravitate to 7:00 a.m. which seems to be the earliest that the building industry can really continue to do business under and it is seems to be the earliest tolerable time for surrounding residents. So 7:00 a.m. seems to be the universal standard. VC/Nolan asked staff's experience on surrounding property values for a project like this. CDD/Gubman said there is probably data to show that a new development going in will positively affect the comparable values and square foot values on older homes. As the homes are newer it may have less of a positive effect but it seems to have generally a positive effect on property values. With a commercial development that is less certain and so that is a question of compatibility and sensitivity to adjacent uses so taking that into account is what led to the increased setback requirements and other screening requirements to try to focus the use in a location that is farther away from residential development.

Chair/Torng asked staff to comment on Mary Rodriquez concern about ground water flowing under the houses that sit on the slope at Cold Spring Lane and what would be done about the flow of water without disturbing the housing above. Peter Lewandowski stated that as indicated in the EIR, the geotechnical analysis was at a programmatic level in the absence of a formal design plan. But subsurface investigations were conducted and groundwater was encountered at a depth of 37 feet. Grading activities are not anticipated to encounter ground water as part of its operations. And as part of typical grading procedures and practices, further geotechnical review will be required at the building permit stage once final development plans are finalized. To the extent additional geological conditions are identified those will be composed as conditions of approval on subsequent development projects. The subsurface ground water is not anticipated at this stage to result in significant impacts to the project moving forward.

Chair/Torng asked the school district to comment on for what the proceeds of the sale of this land can and cannot be used. Jack LeBrun, Assistant Superintendent of Business Services, WVUSD, responded that the question regarding the use of any type of capital outlay proceeds has to go back into the district's capital improvement program. Currently, the school district is not allowed to use proceeds to pay for salaries or ongoing operational expenses.

Chair/Torng asked for a more in depth explanation about the 1991 DBIA resolution and why that is not a consideration. CDD/Gubman explained that the DBIA Resolution that was passed in 1991 did formally record the position based on survey information that a park is a preferred development for that site. Certainly there has been public testimony that is indeed still the preferred alternative of many for this site. He would just have to go through a few points to respond to that. The first would be that subsequent to that resolution was the City's adoption of the General Plan in 1995. The General Plan does not identify Site D as a park. It retained, I would say, an inconsistency between the General Plan and zoning designation but it was not formally established in the General Plan as a potential park site. Prior to that, there was a grant application submitted by the City to secure funding for a park site and there were two locations under consideration: 1) what is currently Pantera Park; and 2) Site D. The funding was approved for Pantera and not approved for Site D. So that window of opportunity, the best opportunity to see that (a park) happen was when the grant application was submitted but it was approved for another site. Subsequent to that and after the General Plan adoption in 1995, there were improvements to Heritage Park and there were improvements to Castle Rock Elementary School keeping in mind there is a shared use agreement between both the WVUSD and Pomona Unified School District (PUSD) for school facilities to be used by Diamond Bar residents. Finally, the Parks Master Plan that is currently being completed and will be presented for City Council consideration does not include Site D as a potential park site; it does, however, include future improvements to both Heritage Park and to Castle Rock Elementary. So in that entire timeline the City has not taken a formal position or adopted a policy to designate or to plan for Site D as a public park. And finally, the MOU laid the groundwork for crafting of the Specific Plan. The basic criteria indicated 50 percent commercial and 50 percent residential and under the MOU there was no remaining percentage for a park use. Having said that, if the Commission is leaning in the direction of incorporating a park component staff can help formulate the recommendation to the City Council and staff believes that doing so would not affect the environmental analysis or fundamentally affect the Specific Plan.

Chair/Torng asked for deliberation and input from individual Commissioners.

C/Lee said his comments have been spoken loudly by the residents and he believes his colleagues believe the Commission's function is very limited. The

Commission's function is to listen to the people and bring their issues and concerns and discuss those issues and concerns and make an informed decision. The decision should be for the people and not for someone else. Also, the EIR is great and he listens to the people and agree with them that it does not go far enough to answer the residents' worries and concerns. The concept and implementation of the Site D Specific Plan looks great and appealing but he believes that professional companies have the money and technology to have a much respected profession like the City's consultants. But the residents have only five minutes. They have limited time. Most of them work and do not have time to prepare this type of appealing presentation that we have seen tonight. But he believes it looks great and is a very good presentation but the facts do not change and the facts do not lie. The fact is that the City has enough retail space already and when he moved to Diamond Bar it used to take five minutes for him to get to the project area down Diamond Bar Boulevard and now it sometimes takes 30-40 minutes. One resident sent him an email today that stated "Diamond Bar is a virtual parking lot." And C/Lee thinks this is a temporary virtual parking lot but Diamond Bar does not want a long term parking lot. That's his one comment. Also, the EIR is pretty good but EIR is not everything. If there is a concern or problem the EIR writes down that everything is fine and can be mitigated. He does not believe that the EIR is a panacea. He understands there are professional reasons for this project and he really respects the professionals. He does not want to give any disrespect to them but even though they are professionals they do not know the residents and if they live here they know better than anyone else. So if the residents say there is a problem and this project will lead to negative impacts to the community then he really respects the opinion of the residents. Sometimes higher technology and speech does not make sense. Why does Diamond Bar need more cars? Sometimes it does not make sense. Again, he really respects his residents' opinion and concerns and their worries and their effort and energy to come down here to express their ideas. And his job is to represent them and in this instance, if it does not make sense and does not help the community he believes there is no reason to modify or compromise the project. Sometimes when we say no that makes for a better future.

C/Shah thanked staff and the consultants for a great presentation. He apologized to his fellow citizens that he has to say no to further comment because if the public hearing is opened again it may open up that issue over and over again and the Commission will never get to its final decision. He takes this business very seriously. At the same time he wants to make sure the process continues in an expedient manner. At the same time we will do justice with the problem at hand. He is keenly aware of the environment, neighborhoods, and needs of the people and the aesthetics of the neighborhood. Really at this point of the debate at this time is that the land belongs to somebody. Somebody wants to sell their land. And the issue brought to the Planning Commission includes five or six items and one of the items which is major is a General Plan amendment to change the land

use. If it is left the way it is, what will a new property owner do, and in the interest of the City, the City decided to go into a MOU with the School District which states 50 percent residential/50 percent commercial. So with that background, the Commission has to look at the overall picture and long range plan. He understood that people want new things. He spent his time in transit and he has seen a lot of NIMBYs—they want mass transit, but "not in my backyard." The same is true here and we do not progress in our City, there will not be a computer, there will not be a new automobile, there will not be a new society. So we need to move forward. We can't just say "leave the land as it is." With the given plan, we have tools to work at it. One of the tools is the EIR and is the tool right now at hand. It talks about goals and objectives, long term horizons, tax implications and predictable outcome. Ultimately, the bottom line is what this entitlement does, it adds value to the property. And we are all in the business – people are in the business of ultimately wanting to add value to their properties. Considering all of these factors there are a few things that come to mind which the Commission should consider. His concerns with the plan are cut and fill. You can cut and fill without having to import or export dirt to maintain the natural environment and to develop this plan it needs to be developed so that its environment is park like. One potential discussion was that the City could develop the park but a small part of this 30-acre parcel. Not a bad idea recommended by his colleague. He would be of the opinion that a future developer be allowed to develop in a park like environment meaning what he saw today as planned and shown does provide more like a park like environment more than a piece of land somewhere in the 30 acres—one acre, two acres, three acres—because it boxes it in. When there is a commercial and residential component nearby people may not feel comfortable using it as a park. The City has Heritage Park nearby. There is a school nearby where people can use that area. Though he is more willing to put in language the City is better off leaving it to the future developer, but established criteria that the developer must have a certain percentage of open space for the overall size. He does not know the percentages required in Diamond Bar but that is the question he will be asking. So considering all of the facts, he does want his fellow citizens to feel that the Commission and staff does its job and the important thing is that he wants the City to progress in such a manner to make sure that what is done today is a move forward for future generations. He is open to other considerations but knowing what he knows today the matter at hand is to examine the EIR and whether to recommend or not to recommend.

VC/Nolan felt the EIR was not an end-all/be-all for this project. It is a tool to use to come to a decision about what is best for the community at large, for the whole City of Diamond Bar. It is true that the WVUSD has a right to dispose of this property. Is it to the City's benefit to approve this EIR and obtain the entitlement so the City has more of a say in how this will move forward. She disagreed regarding the open space. She believed the property had approximately 8 or 9 acres of open space which is also considered easements, rights of ways and other

open areas. She wants an open green area. She wants a park like setting. She wants a place for people to take their dogs. And again, she thinks it could fit nicely with the type of community – the retail, the commercial community, that this has envisioned. She thinks there is space for both. This is a blank slate. The City has the opportunity to make this what the community wants to make it and to set the ground rules. Her question for staff is, would it be best for the Commission to come back to this issue after looking at whether a park area is feasible. She does not feel comfortable moving forward with the term "park like."

CDD/Gubman said that during the break he drafted language that could be incorporated into the resolution to recommend approval of the Specific Plan and the Tentative Tract Map. If the Commission would like he can read the language to see if it is consistent with the Commissioners' vision and if so, it can be incorporated in a motion to adopt the resolution with the provisions as recommended.

C/Lee said that if you insinuate or leave it as some unidentified area, the Commission needs to decide the item but he (CDD/Gubman) says he wants to give a suggestion to:....Chair/Torng interjected and said he thought CDD/Gubman was responding to VC/Nolan and make a suggestion for her to consider. C/Lee said maybe this is inappropriate because it is illegal for the Commission to insinuate a decision for a certain area. Chair/Torng said that right now it is a discussion and as you may recall, VC/Nolan just made a suggestion about a park area.

ACA/Wohlenberg said that there are always staff's recommendations on items before the Commission and he believed CDD/Gubman was attempting to react to comments to provide language that would move toward that goal. But he does not believe it insinuates any sort of predetermination of the Commission's action or trying to restrict the Commission to a particular action. The Commission has wide latitude to approve or deny or approve it with different modifications or change it. It is merely an attempt to fulfill all usual role and suggest language that would reach the goal that one of the Commissioners was proposing.

C/Lee felt that all of the Commissioners should make their comments and then CDD/Gubman could read his recommended language and then the Commission could deliberate. That would be his recommendation.

VC/Nolan asked her colleagues if she was out in left field or, did she have the support of her colleagues being on board with this.

Chair/Torng felt that development of a new site is generally not a very popular decision to be made. As a Commissioner he understands the residents' points of views and shares their frustration in many aspects. However, as a Commissioner,

he and his colleagues must understand their role as a decision-making agency and keep the objective in mind and endeavor to balance as a principal the economic, legal, social, technological and other benefits of a proposed project against its unavoidable environmental risk in determining whether to approve a project. If it cannot concur that legal, social, technological or other benefits of the proposal outweigh the unavoidable adverse environmental effects, a diverse environmental effects may be considered acceptable. Based on the project there are some unavoidable air quality impacts that cannot be avoided but most of the other issues including the major ones such as traffic and landscaping issues have been mitigated to a less significant level. As a Commissioner serving more than eight years he really trusts that the staff is working extremely hard to make the City better every day and he commends staff for doing such a good job in responding to all of the questions, comments and concerns raised at the last meeting as well as through the emails and letters. He also believed that the consultants' technical expertise will make sure the mitigation measures will work to make this the best possible project. From a benefit standpoint he believes the City needs the tax revenue and the school district needs additional funds to support school activities. And he feels it is important to maintain a healthy City and school district because both will be a cornerstone of this community. A prestigious City with a prestigious school district will for sure maintain the City's quality of life and housing values, etc. The City's plan is a level A plan and is not the final development plan. But with a Specific Plan, the City is able to set some important guidelines for the future developer. He felt it was very important for the City to set limits and make sure the best designed project will happen at Site D. He supports recommending inclusion of a small park area in the commercial development area and let the City Council make the final decision. And as he mentioned when he quoted a resident's comments, he felt the comment that she hoped it will be an urban city center with living shopping and park space set into the natural setting of Site D fit what he was trying to convey.

VC/Nolan asked if the Commission should hear staff's recommendation for the language to include.

C/Shah said his reference to a park like atmosphere was in support of an environment and the developer should decide how to include that option. He was thinking more on the order of unspecified open space areas where people can congregate. Second, the Commission is not considering the appropriateness of the MOU which has already been established with the relationship between the City and school district. One thing he wanted to add to his comment was about the trees and perhaps the City should consider having an arborist to review the trees when the development occurs to advise the developer and the City whether those trees could be saved or what could be done. His last comment is that this should be a showcase solar energy efficient project for the City.

VC/Nolan said that regarding a park and regarding a specific location for it, she did not believe in leaving it up to the developer, she did not want to take away necessarily from the residential area. She likes that part of the plan. She thinks even regarding parking or a small park would infringe on a residential area. She would like to see something along Diamond Bar Boulevard, along Cherrydale something that is not just specific to this project but for the community at large. The south end of Diamond Bar has Heritage Park and schools but to her it is lacking in this area. And she would like to see something more specific and she is not even sure if a change in language right now would suffice. There's so much put into the actual drawing, the grading, the specificity of the commercial and residential, but to just toss in a plot for a park seems a bit of a rush.

C/Lee said he concurred with VC/Nolan. He loves parks. And he means it since he moved down to Diamond Bar that area location was allocated for a park. He likes parks. But he does not like building commercial and houses and taking a small area for a park. It is a very complicated process if you want to get a park. He wanted to make sure about VC/Nolan's intentions. He does not think that is the idea of the residents. And sometimes we need to give them open space and sometimes the City does nothing and then gives it to somebody else. Our kids – the next generation - that's the issue right now. I always believe that development is good for developers. They come down here to our City and whatever they say and give you in a presentation or fancy words doesn't matter. The relevant fact is that development of Site D shouldn't be – wouldn't be good for our residents. That is the truth. And one does not alter or deviate it by other fancy words. That's my second comment.

Chair/Torng said that regarding the park addition it belongs to the Specific Plan under the third resolution. CDD/Gubman indicated that Chair/Torng was correct but he would advise the Commission not to make any decisions on any of those three recommendations until the Commission discusses its intent for the park provision because depending on what the Commission's intent is it may or may not have an effect on the language of the Specific Plan or the Environmental Impact Report. So he really believed the Commission needed to discuss this matter before beginning its process of making decisions and motions on any of the resolutions.

CDD/Gubman referred the Commissioners to Resolution 3 to recommend City Council approval of the Tentative Tract Map and Specific Plan and offered the following language on Page 3 which begins the resolution section. On Page 4 he suggested that a subsection "f". be added: "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 sufficient size to incorporate features such as, but not limited to, a tot lot, picnic tables and shade structures." This would be supplemented by a Tentative Tract condition to require

the Final Map to include a lot that delineates the boundaries of the park as prescribed under that new subsection that he previously read.

VC/Nolan said that since the Plan is already specific on acreage for commercial and easements and things passed already, delineating the size is not recommended? Or the location of it as opposed to being in the commercial area rather than the residential. CDD/Gubman said that if it is VC/Nolan's desire to recommend that level of detail he may have to confer with the EIR consultant and City Attorney to see if staff needs to go back and look at the environmental document to see if that would lead to more changes because the language he proposed to her just now would not mandate any changes to the EIR. The more precise the Commission wants to get, the recommended provisions still may be immune from any changes to the EIR but he thinks staff would have to study that further and come back to the Commission.

Following staff deliberation, CDD/Gubman stated that the staff's discussion had to do with specifying a size and location and the agreement was that if the Commission wishes to specify a minimum size of the park it would not affect the analysis and EIR. The EIR does analyze a maximum intensity and density scenario for residential and commercial so adding a park component would potentially reduce the intensity of the commercial development but certainly not increase it. It may reduce the traffic impacts because the park component may generate some off-peak trip generation. Staff does not see any compromise to the EIR. However, the location is problematic at this point so if the Commission were to include a location at this time the recommendation going forward to the City Council would not be in compliance with the Level A Plan before the Commission. The limit would be specifying some of the programming and size without the location.

C/Shah recommended the park be no less than three-quarters of an acre or about 30,000 square feet or something like that so that it does not involve changing the EIR.

C/Lee asked if he could make a motion to continue.

CDD/Gubman said again, the issue staff is struggling with is whether or not the Commission is intending to specify a location because that would be in conflict with the A level Specific Plan designations for commercial and residential. If the Commission wants to go into more specifics about aggregate park acreage or aggregate acreage with a minimum per park site within the plan, staff can help formulate that language in the resolution. Staff needs to re-emphasize that getting into the specifics of a location would not be consistent with the Draft Specific Plan staff is presenting to the Commission.

VC/Nolan said that to do this tonight she does not know. She is going to be back here in a couple of weeks so for her this is not a problem for the Commission to continue this if it is something that has to be more formulated, there's got to be more thought given to it. For her to pull out I want 2.25 acres designated to this...She wanted something. They talked about the gateway – the view of the City at this location and she thinks that has to be something like a park like setting. She is not saying the corner of Brea Canyon and Diamond Bar Boulevard but something along the line that preserves that visually pretty area that is visible to the community to someone that does not live there is not necessarily going to walk down the path which she thinks is a great idea to this area but someone will take their kids to what is on the other side of town or on the other side of Diamond Bar Boulevard. She is just not real comfortable. She does think that again, as it pertains to the EIR she does not necessarily think, like CDD/Gubman says, it is going to change that up a lot but she thinks this is just too big of a change to the Specific Plan to not consider all of the three elements together.

Mr. Rogers said he keeps coming back to the process that the City is in which is an A level and B level map. A saying in the business is "The devil is in the details" and it truly is. The details, in terms of configuration on these properties have not yet come forward. The intent was not to, as an applicant or through the school district to try and design the project specifics. The wonderful thing about this process because this is what we have been doing on the Irvine Ranch for decades, is that we create this envelope or umbrella under which we understand how setbacks work, how development standards work, thresholds in intensity, to get the process past some of the bigger meatier parts. He kind of agreed with VC/Nolan, but in the sense that trying to deliberate on the location and specifics of the park in this setting is a tough call. When VC/Nolan asked "how big a park" well, it's programmatic and C/Shah's comments about three quarters of an acre minimum – those are all the kinds of details that quite frankly he thought were borne out of the B level effort. He said he was not trying to defer it and he was not trying to shrug the responsibility of doing this but he was suggesting that an applicant that comes to the City with a commercial plan, in the creativity that he can elicit in the process of working with his architects and landscape architects with the mandate that the City might set forth at this A level might be a more productive venue for the Commission to vet these issues and get into those details with him and really force it out at that level because that is where he thinks it is most appropriate. The problem is if we just plop a blob in there and say a park has to be right there, maybe what we're doing is we're inhibiting the creativity of the future applicant at the B level. So with that in mind, and remember, that is the most substantive part in terms of this issue. Where is the park located? Well, a lot of things have to be developed in an understanding of that commercial site plan to discover that and he would believe that the City might be doing a disservice to the future purchaser of that property to make all of those decisions in advance. Maybe it is good enough that there is a performance criteria overlaid on this

project. He said he appreciated that VC/Nolan wanted to get to certainty and the predictable outcome that he keeps talking about but perhaps it is better at the next level.

Chair/Torng said that actually in a way he concurred with staff's response on this because actually, the location you suggested by VC/Nolan at Cherrydale, he does not like that idea. He likes Mr. Roger's suggestion for the idea of the corner of Brea Canyon Road and Diamond Bar Boulevard. At this time the Commission is not going into the details and he believed that was a level II or Plan Level B, and right now the Commission is at Level A. Chair/Torng asked if the Commission could accept C/Shah's recommendation for a three quarter of an acre minimum with the location to be determined because he has a different opinion that VC/Nolan.

VC/Nolan said she did not think it so specific, she thinks it is more general than specific. I just would like more thought put into it. We have 50/50 percent - I don't know if any third grader could come up with that figure but I would like to think there would be something that is more concrete regarding size, regarding location, that is just not random. This is why we are doing this so we can be on the front end of what we want. And maybe I am the only one that wants it and that would be fine. But she just thinks it is just still too obscure.

Chair/Torng asked that based on what VC/Nolan said what is the best that staff can do with the current plan? CDD/Gubman said at this point he would suggest that the Commission continue the matter because he needs to discuss this further with Counsel because he is not sure why a location cannot be specified and he needs to have a better understanding of why? Because this is still a recommendation to the City Council and the City Council is going to give the final direction on what changes, if any, are incorporated into this planning document. Right now he would suggest that the Commission continue the matter to May 11, 2010, and give him a chance to consult with the City Attorney and with the consultants and come back to the Commission with more developed guidance for formulating the Commission's recommendation.

Chair/Torng said that for him his location is different from VC/Nolan. He does not like her location so he does agree that this is something that the Commission should set the requirements that it wants a park and wants to put that into the plan and let the developer know so that they have to create something – a park, for this location. AC/Wohlenberg said that the discussion would be whether or not the City can specify a location. And then that would be something the Commission would have to debate at the next meeting and decide if you want to specify a particular location or not. There may be three votes for that, there may not be. But we want to make sure we can or cannot let the Commission recommend a specific location.

VC/Nolan said she did not necessarily say it would have to be at that corner. She just would like some research done on it, some thought put into it. I mean if staff has an idea now that would be great too. She did not mean to insult anyone by saying that any third grader could come up with the 50/50 percent on this but it just seems – I would just like something a little more concrete and still give a developer leeway. But something that we have more envisioned. I just don't think we're being specific.

C/Shah stated that he felt that given the opportunity for Plan B and let the developer come in the future and present a location and the Commission will get another report at that time because the Commission will see the entire picture. Right now we are seeing just three lots there and we do not know how they are going to develop them. He stated that he likes the idea of Mr. Rogers that leave it to the future developer; and maybe we should just identify the need for the park. He stated that he is of the opinion that maybe we should establish some criteria – any area and the criteria you describe – tot lot, etc., but leave it for the future and the Planning Commission will get an opportunity to debate and decide. But at that time the Commission will have a better picture because we will know what other things are being developed in the area. We will have better information. He recommended not to insist on location at this time, but just insist on a park and an area of that park so at least we have areas (i.e., acreages) identified for the commercial and areas identified for the residential pads so let's identify the area for the park.

C/Lee said he concurred with C/Shah's idea – a portion of it. Let's move on.

C/Shah moved, Chair/Torng seconded, to Adopt a resolution recommending that the City Council certify the Environmental Impact Report, approve the Mitigation Report 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. Motion carried by the following Roll Call vote:

AYES:	COMMISSIONERS:	Shah, VC/Nolan, Chair/Torng
NOES:	COMMISSIONERS:	Lee
ABSTAIN:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	Nelson

C/Shah moved, VC/Nolan seconded, to adopt a resolution 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) and Neighborhood Commercial (C-1) to Specific Plan. Motion carried by the following Roll Call vote:

AYES:	COMMISSIONERS:	Shah, VC/Nolan, Chair/Torng
NOES:	COMMISSIONERS:	Lee
ABSTAIN:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	Nelson

The Commission discussed continuation of Recommendation 3 and CDD/Gubman proposed modified language to reflect the Commission's request.

CDD/Gubman reiterated "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 sufficient size to incorporate features such as, but not limited to, a tot lot, picnic tables and shade structures, and shall be a minimum of three-quarters of an acre.

Chair/Torng asked if the Commission could make it one acre. Why make it three-quarters of an acre? CDD/Gubman said that is what he heard before so if he misunderstood...C/Shah said no, an acre is fine.

Chair/Torng asked the Commissioners to remember this is Plan A with certain guidelines. If the Commission starts to get into a specific location it would become a different plan. He liked Mr. Roger's idea about integrating a park with the location with an eating area with a park surrounding it. It looked to him pretty good. But VC/Nolan's idea is at Cherrydale so then it would require a little more detail to justify it. VC/Nolan said it was not specifically Cherrydale. She knows she brought that up. But it is something, again, an entrance viewpoint for the City that when people drive down Diamond Bar Boulevard they see a park, that the residents see a park and that it is visible and usable for the community. She stated that she thinks an acre is a little small, is looking at this to some extent from the perspective of a mom.

Chair/Torng asked if there was any more discussion. ACA/Wohlenberg said staff had one more change to read into the record. CDD/Gubman said he was reminded that the Commission discuss multiple locations with an aggregate size so he wants to make sure he understands so that staff provides the Commission with the language. So do we want it to say "park area or areas with an aggregate size of at least one acre? C/Shah said he was of the opinion of two acres total and one particular lot is no less than one acre, then there would be two areas and let the developer decide what those two areas would be or where it could be.

CDD/Gubman said what if the two areas were contiguous so that it was a total of two acres. C/Shah said that would be okay. ACA/Wohlenberg clarified that it could be two

park areas with a total aggregate area of two acres, one of the areas to be at least one acre in size. C/Shah said "that is correct, very well stated."

VC/Nolan said that if two acres is too big she would rather see an acre and one-quarter of something nice and particular. She appreciates the idea of two acres, but is that too much of an infringement into the commercial area?

CDD/Gubman stated that staff would strongly suggest that this item be continued to give staff a chance to study this to determine what a different park size would afford. Two acres could have a significant effect on the viability of the commercial site. One may be sufficient to provide all of the amenities that the Commission envisions. Staff needs to go back and study this. The one item staff wants to look at is the Planning Commission rules. It may be more appropriate to take one motion for all three actions at once rather than leave this evening with two down and one to go.

Chair/Torng felt the Commission had consensus and was waiting for staff's language. The Commission has consensus in a way that this is an important Specific Plan but we want a park. But how much and how to do that is something we are waiting for staff to provide guidance, and within the limits and not to kind of impact the fiscal responsibility and not to impact the EIR and those kinds of things. So actually, the Commission can make a decision or wait until staff comes back and just notify the Commission with the appropriate language.

VC/Nolan said she had to respectfully disagree to take staff's recommendation to give this a little more thought and we may come back with the same thing and do this again in two weeks with just a little more specificity, a few more details. There are just a lot of different things out there and now was your recommendation for the Commission to take all three items as a whole does that negate what we already voted on?

C/Shah said there were two or more experts here and he has some experience visualizing one acre, two acre, three acre and he does agree that one or one and a quarter acre or one and one half acre are insufficient for a neighborhood park. He kind of agreed with the Chair to agree with staff's experience and expertise on acreage which would not impact the future development or the school district and if that is in staff's opinion, sufficient, then he thinks the Commission should consider that. He thinks the Commission should be open to hear the experts and if they believe one acre is fine, so be it. He does not think it is very difficult right now at this stage to visualize it. Everybody agrees in principle that we need a park. The issue is whether it should be one acre, one and one half acre, or what. That is the issue.

Chair/Torng likened this debate to the parolee homes wherein the Commission wanted the maximum distance. So we can identify the language to the maximum size of the park that staff can identify for the Commission.

VC/Nolan said she thought if staff was willing to go back, rethink this, give it some more detailed thought outside of this arena right here and come back, it may be as general as C/Shah recommends. It may be more specific to this is residential, this is commercial, whether it's specific land and location, she just likes the idea that staff seems to be recommending that the Commission come back in two weeks and revisit this particular item.

C/Lee said the Commission already made a motion for item one and number two. There is no reason they should be combined together. If VC/Nolan thinks the recommendation is good make a motion for that and we get some action. VC/Nolan said she did not just want to do it. I don't just want to pull a place and a number out of my hat. C/Lee said no - just make a motion for continuance.

ACA/Wohlenberg said he wanted to make a point of procedure and parliamentary procedure. These three resolutions constitute a single action and he wants to make sure there is not an issue with when a statute of limitations starts to run or anything like that so that all three are done at the same time. The Commission's rules allow for a motion of reconsideration be taken at the same meeting where the Commission has already taken action on a resolution item. So what he would recommend is that the Commission proposed a motion for reconsideration of the first two items with that decision to be made simultaneously with the consideration of the third resolution so that we have sort of undone that approval and just moved it out to coordinate with the third resolution. VC/Nolan said, so we would be voting again on the first two items that we voted on already? ACA/Wohlenberg said first there would be a motion for reconsideration on the first two items. If that passes then those items would be reconsidered simultaneously with the third so they would be then sort of unapproved and for consideration those would be moved to be simultaneous with the third.

C/Lee said he had a question about that. The agenda clearly separates Items 1, 2 and 3 and then you said about a resolution. For example, if I agree with item number 2 and I don't agree with item 3 then he cannot express his opinion if he votes on all three at once. If the items are separate he can express his opinion on a certain item. With them combined together no matter whether I agree or disagree with a certain item I cannot do that. ACA/Wohlenberg said they would all still be voted on separately. He wanted to make sure because the project requires all three resolutions. If two were to pass and one were to not pass he would not be sure what would happen with that. So in order to make sure action is taken on all three of them either approval or denial, he wanted to make sure they were all approved simultaneously because they all do constitute a single project. So the Commission has taken action on two and if the Commission is not taking action on the third yet he does not know if that will trigger any problems with review or appeal of those where there are essentially two approved resolutions that could go up, but they are essentially useless without the third and he does not know what kind of problems or delays that may cause the City. So to just avoid that problem his recommendation would be to pass a motion for reconsideration on Items 1 and 2 so that they can be considered

again at the next meeting so that at the next meeting staff has to come back with the additional information about the third resolution but the Commission would also then just start at the beginning again and consider Resolution number 1, Resolution number 2 and then Resolution number 3. Chair/Torng asked if at the next meeting the Commission would come back and go directly to deliberation or go through the whole process. ACA/Wohlenberg said the Commission would go directly to the resolutions. The Commission may want some additional deliberation amongst the Commission in order to make that decision. There is no problem with doing that and that does not bring up any due process issues like when there is public testimony. This is just the Commission acting. So the Commission is saying we need more information. Find that information and bring it back so we can continue our deliberation on a particular date.

VC/Nolan moved, C/Shah seconded, for reconsideration of Items 1 and 2 and request that staff bring back recommendations and additional information regarding the designation of a specific park space or size on May 11, 2010. Motion carried by the following Roll Call vote:

AYES:	COMMISSIONERS:	Shah, VC/Nolan, Chair/Torng
NOES:	COMMISSIONERS:	Lee
ABSTAIN:	COMMISSIONERS:	none
ABSENT:	COMMISSIONERS:	Nelson

9. PLANNING COMMISSIONER COMMENTS/INFORMATIONAL ITEMS:

C/Shah thanked everyone for their consideration this evening and thanked staff and the consultants for their good effort.

VC/Nolan thanked everyone for their patience and said she looked forward to visiting this again in two weeks.

Chair/Torng thanked staff and the consultants for their efforts. Thanks to the audience that stayed with the Commission for such a long meeting.

10. STAFF COMMENTS/INFORMATIONAL ITEMS:

10.1 Public Hearing dates for future projects.

11. SCHEDULE OF FUTURE EVENTS:

As listed in tonight's agenda.

ADJOURNMENT: With no further business before the Planning Commission, Chairman Torng adjourned the regular meeting at 10:54 p.m.

The foregoing minutes are hereby approved this 11th day of May, 2010.

Attest:
Respectfully Submitted,

Greg Gubman
Community Development Director

Tony Torng, Chairman

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

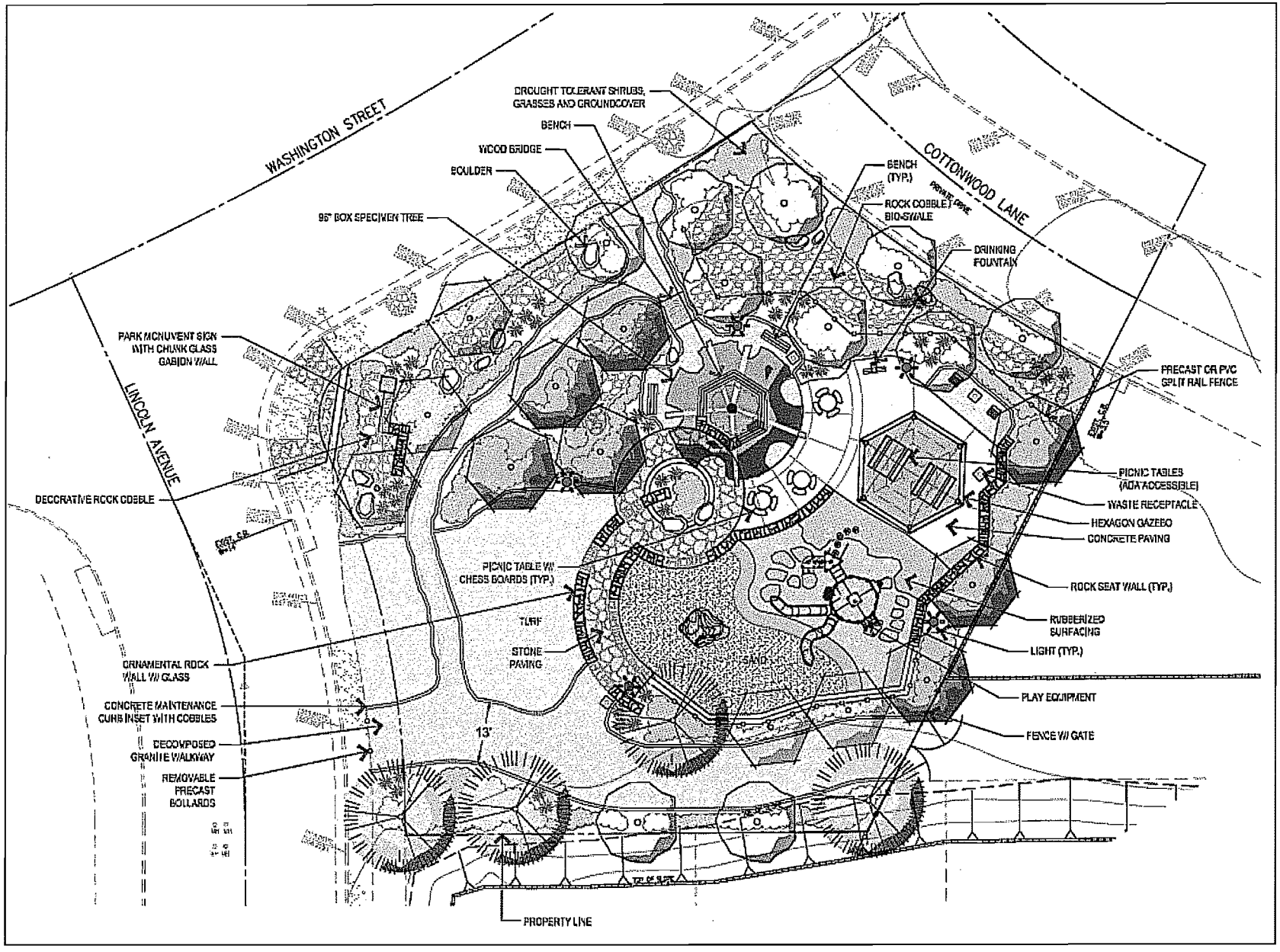
a neighborhood park of at least ___ acres, and shall incorporate features such as, but not limited to, a tot lot, picnic tables, seating areas and shade structures."

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	• Tot Lot • Open Green Space • Gazebo • 5 Picnic Tables • 3 Benches • Decomposed Granite Walkway
Longview Park North	0.8 Acres	• Tot Lot • Open Green Space • 2 Benches • Paved Walking Trail
Longview Park South	0.9 Acres	• Basketball Court • Turf Volleyball Court • Tot Lot • 2 Picnic Tables • 1 BBQ
Stardust Park	0.9 Acres	• Tot Lot • Open Green Space • 2 Benches • Paved Walking Trail
Summitridge Mini Park	1 Acres	• Open Green Space
Starshine Park	2 Acres	• Tot Lot • Open Green Space • 2 Picnic Tables • 3 Benches • 1 BBQ • Concrete Walkway
Heritage Park	3.4 Acres	• 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

Mini Park

Longview Park North

1073 Longview Drive Diamond Bar, CA, (909) 397-4475

Site Information :

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

Legend :

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

Acreage :

.80 Developed

On Street Parking :

Parking Surface: Asphalt
Security Lighting: Limited

Open Green Space:

Not Lighted, Condition is Good

Children's Play Equipment:

Ages 2-12 Rubber/Sand

13a

Longview Park South – 0.9 Acres

Mini Park

Longview Park South

1630 Longview Drive Diamond Bar, CA, (909) 397-4475

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

Acreage :

.89 Developed

On Street Parking :

Parking Surface: Asphalt
Security Lighting: No

Small Size Basketball Court:

Small Court, Not Lighted, Existing Court Size Is to Small to Meet Standarts

Turf Volleyball Court:

Not Lighted, Condition Is Good

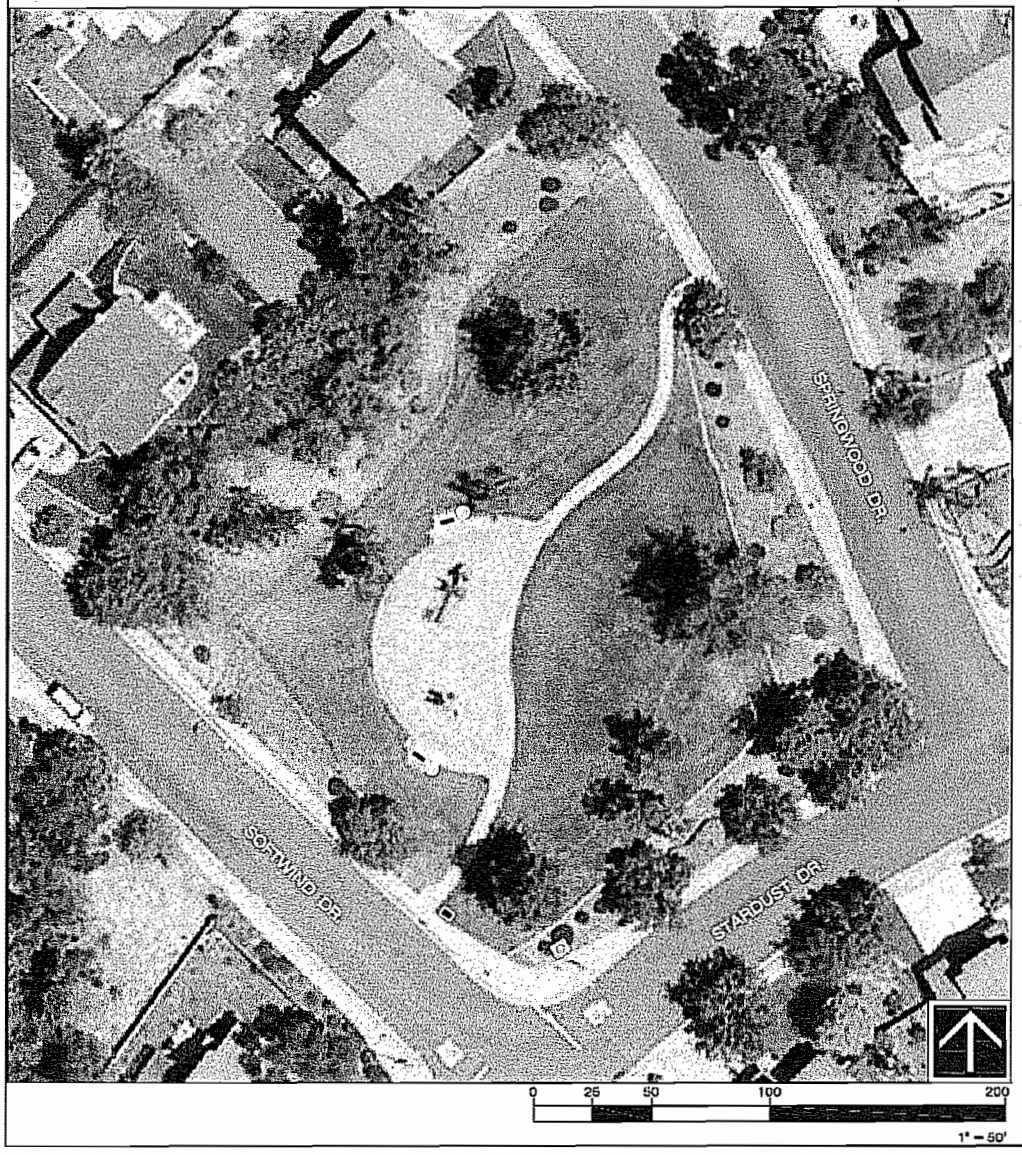
Children's Play Equipment:

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

11a

Stardust Park – 0.9 Acres

Mini Park



Stardust Park

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

Site Information:

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

Legend:

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

Acreage:

.91 Developed

On Street Parking:

Parking Surface: Asphalt
Security Lighting: No

Open Green Space:

Not Lighted, Condition Is Good.

Children's Play Equipment:

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

14a

Summitridge Mini Park – 1 Acre

Mini Park

Summitridge Mini Park

1307 Summitridge Drive Diamond Bar, CA. (909) 397-4475

Site Information :

1 Open Green Space

Legend :

Irrigation Control

Acreage :

1.04 Developed

On Street Parking :

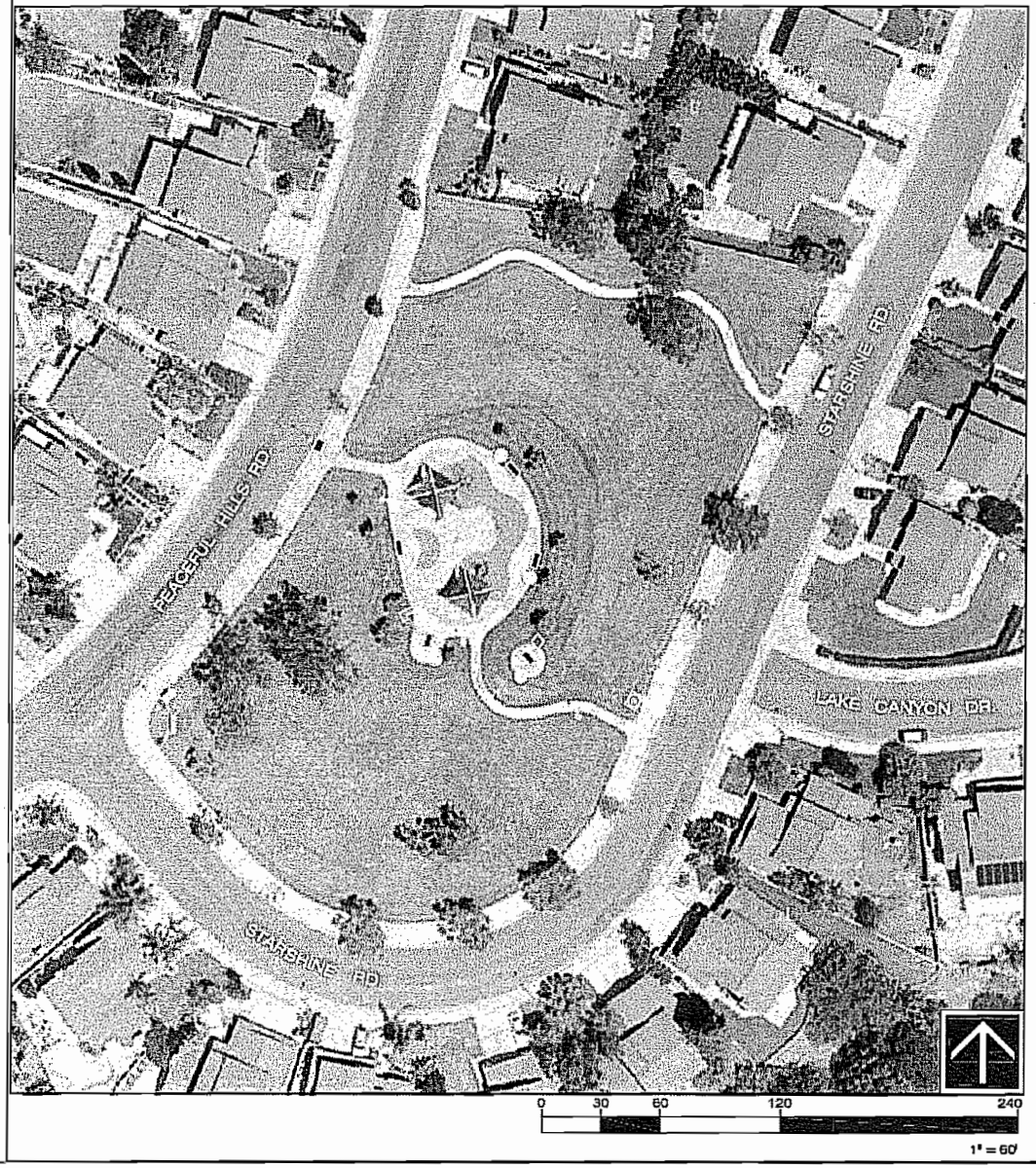
Parking Surface: Asphalt
Security Lighting: Limited

Open Green Space:

Not Lighted, Condition is Good

Starshine Park – 2 Acres

Mini Neighboorhood Park



Starshine Park

20839 Starshine Road Diamond Bar, CA. (909) 397-4475

Site Information :

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

Legend :

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

Acreage :

2 Developed

On Street Parking :

Parking Surface: Asphalt
Security Lighting: Limited

Open Green Space:

Not Lighted, Condition is Good

Children's Play Equipment:

Ages 2-5 Rubber/Sand
Ages 5-12 Rubber/Sand

9a

Heritage Park – 3.4 Acres

Neighborhood Park

Heritage Park

2900 S. Brea Canyon Rd, Diamond Bar, CA, (909) 397-4475

Site Information:

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

Legend:

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

Acreage:

3.4 Developed

Parking:

40 5Standard - 2 Handicap
Parking Surface: Asphalt
Security Lighting: Yes

Restrooms:

OutDoor Women: 2 stalls, 1 sink
OutDoor Men: 1 urinal, 1 stall, 1 sink
InDoor Women: 3 stalls, 2 sinks
InDoor Men: 2 stalls, 2 urinals, 2 sinks

Basketball Court:

Full Court, Lighted

Softball Field:

Game Field Lighted, Brickdust Infield, Field Condition Is Good

Children's Play Equipment:

Ages 2-5 Rubber/Sand
Ages 5-12 Rubber/Sand

DIAMOND BAR

8a

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

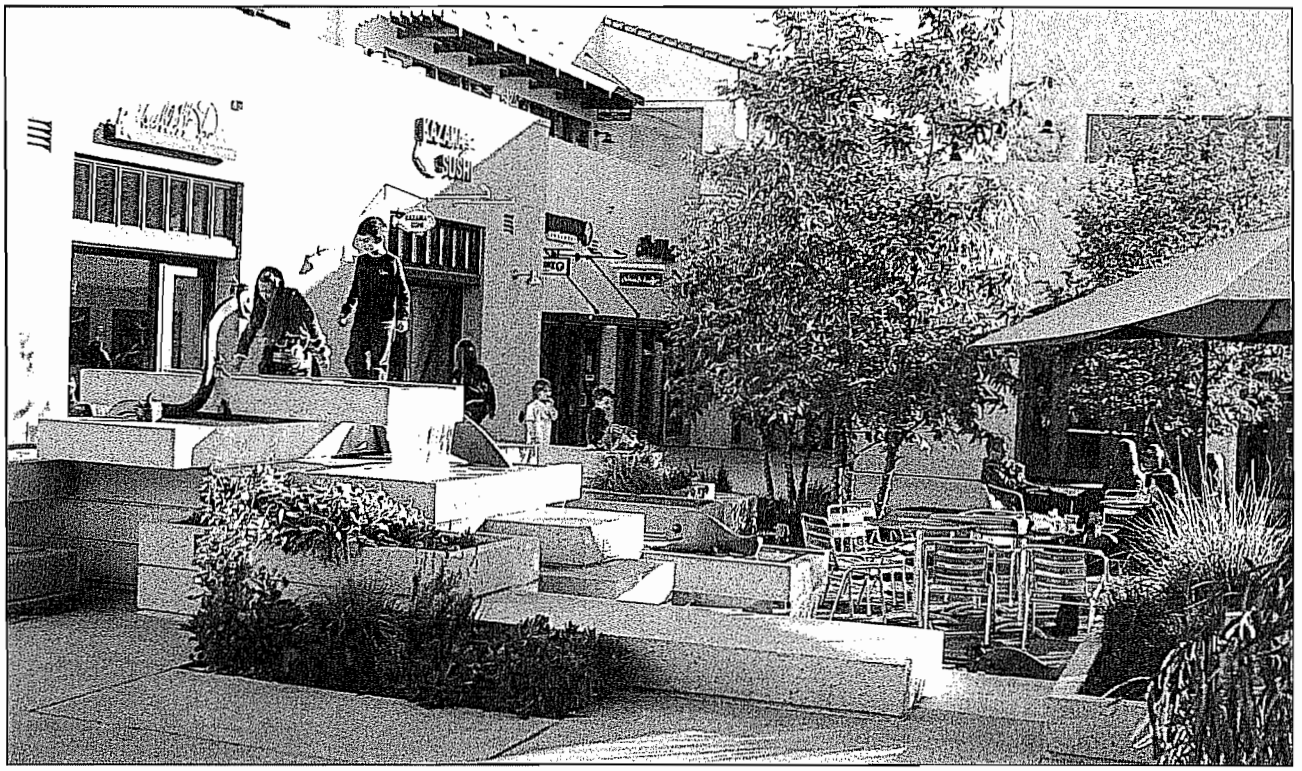
- Takes into account the Memorandum of Understanding between the City and the Walnut Valley Unified School District that stipulates a minimum of fifty percent of the designated area for residential development and fifty percent designated for commercial use, exclusive of necessary infrastructure;
- Allows 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 1

PLANNING COMMISSION
RESOLUTION NO. 2010-XX

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

A. RECITALS

1. On July 1, 2007, the property owner/co-applicant, Walnut Valley School District, and property owner/co-applicant/lead agency, City of Diamond Bar, executed a Memorandum of Understanding whereby the parties agreed to collaborate in the planning of the future land use for the approximately 30.36-acre parcel property located at the southeast corner of Brea Canyon Road and Diamond Bar Boulevard, Diamond Bar, County of Los Angeles, California, so that both parties may each advance their respective objectives for the disposition of the property.

2. The following approvals are requested of the City Council [Items (a) through (d) below are collectively referred to as the "Project"]:

   (a) General Plan Amendment No. 2007-03 to change the land use designations from Public Facility (PF) and General Commercial (C) to Specific Plan (SP);

   (b) Zone Change No. 2007-04 to change the zoning districts from Low Density Residential (RL), Low/Medium Density Residential (RLM), and Neighborhood Commercial (C-1) to Specific Plan

   (c) Specific Plan No. 2007-01 to adopt the Site D Specific Plan for the approximately 30.36 acre site to facilitate the development of a maximum of 202 residential dwelling units; a maximum of 153,985 gross sq. ft. of commercial floor area; and approximately 10.16 acres of open space areas, easements, and rights-of-way;

   (d) Tentative Tract Map No. 70687 to establish separate residential, commercial, and open space parcels; create an internal circulation system and common open space areas; and establish easements and other rights-of-way for utility and other purposes; and

(e) Environmental Impact Report 2007-02 to certify the Final Environmental Impact Report, which provides a detailed analysis of potential environmental impacts associated with the development of the Specific Plan area. The Final EIR includes mitigation measures for the project, addresses project alternatives, identifies the environmentally superior project alternative, and adopts a statement of overriding considerations;

3. Notification of the public hearing for this project was published in the San Gabriel Valley Tribune and the Inland Valley Daily Bulletin newspapers on April 2, 2010. Public hearing notices were mailed to property owners within a 1,000-foot radius of the Project site and public notices were posted at the City's designated community posting sites. In addition to the published and mailed notices, the project site was posted with a display board and the notice was posted at three other locations within the project vicinity; and

4. On April 13, April 27, and May 11, 2010, the Planning Commission of the City of Diamond Bar conducted a duly noticed public hearing, solicited testimony from all interested individuals, and concluded said hearing on that date.

B. RESOLUTION

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

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

2. The Planning Commission hereby finds that the project identified above in this Resolution required an Environmental Impact Report (EIR). EIR (SCH No. 2008021014) has been prepared according to the requirements of the California Environmental Quality Act (CEQA) and guidelines promulgated thereunder. The 45-day public review period for the EIR began June 25, 2009, and ended August 10, 2009. Furthermore, the Planning Commission has reviewed the EIR and related documents in reference to the Project;

3. The Planning Commission based on the findings and conclusions set forth herein, hereby finds and determines that conditions have been incorporated into the Application, which mitigate or avoid significant adverse environmental impacts identified in Environmental Impact Report (SCH #2008021014) except as to those effects which are identified and made the subject of a Statement of Overriding Considerations which this Planning Commission recommends to City Council and finds are clearly outweighed by the economic, social, and other benefits of the proposed project, as more fully set forth in the Statement of Overriding Considerations. The Planning Commission hereby recommends that the City Council certify the EIR to be complete and adequate; and adopt the Findings of Facts and Statement of Overriding Considerations, and Mitigation Report and Monitoring Program attached herein as Exhibits "A" and "B" and hereby incorporated by reference.

The Planning Commission shall:

(a) Certify to the adoption of this Resolution; and

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

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

By: _____
Tony Torng, Chairman

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

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

ATTEST: _____
Greg Gubman, Secretary

Exhibit A

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

FINAL ENVIRONMENTAL IMPACT REPORT – "SITE D" SPECFIC PLAN STATE CLEARINGHOUSE NO. 2008021014

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

1.0 PROJECT DESCRIPTION

1.1 Project Location

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

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

1.2 Project Description

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

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

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

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

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

1.3 Project Objectives

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

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

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

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

1.3.1 Future Growth Needs

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

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

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

1.3.2 Senate Bill 375

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

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

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

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

2.0 INTRODUCTION TO FINDINGS

2.1 Format of Findings

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

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

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

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

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

Section 4.0 (Findings Regarding the Significant or Potentially Significant Environmental Effects of the Proposed Project which cannot Feasibly be Mitigated to Below a Level of Significance). This section sets forth findings regarding the significant or potentially significant environmental impacts of the proposed project which cannot feasibly be mitigated to a less-than-significant level based on the threshold of significance criteria presented in the FEIR and which will or may result from the approval, construction, habitation, and/or use of the project and/or the project site.

Section 5.0 (Findings Regarding the Significant or Potentially Significant Environmental Effects of the Proposed Project which can Feasibly be Mitigated to Below a Level of Significance). This section sets forth findings regarding the significant or potentially significant environmental impacts of the proposed project which either do not manifest at a level of significance based on the threshold of significance criteria presented in the FEIR or which can feasibly be mitigated to a less-than-significant level through the imposition of standard conditions of approval and/or those mitigation measures included in the FEIR and adopted or likely to be adopted in the project's "Mitigation Reporting and Monitoring Program" (MRMP).

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

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

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

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

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

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

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

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

2.2 Findings of Fact and Statement of Overriding Considerations

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

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

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

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

(1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects, as identified in the final EIR. [This finding shall be referred to herein as "Finding (1)"]

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the findings. Such changes have been adopted by such other agency or can and should be adopted by such other agency. [This finding shall be referred to herein as "Finding (2)"]

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

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

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

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

2.3 Record of Proceedings

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

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

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

(6) "Minutes of the City of Diamond Bar Neighborhood Forum of Site "D" Specific Plan Draft Environmental Impact Report, Heritage Park Community Center, 2900 S. Brea Canyon Road, Diamond Bar, August 3, 2009," as prepared by the City of Diamond Bar Community Development Department (Department);

(7) All written and verbal public testimony presented during noticed scoping meetings and public hearings for the proposed project at which public testimony was taken;

(8) "Mitigation Reporting and Monitoring Program" (MRMP), as presented in the DEIR and as subsequently adopted by the City Council;

(9) All agendas, staff reports, and approved minutes of the City's Planning Commission and City Council relating to the proposed project;

(10) All maps, exhibits, figure, and text comprising the "'Site D' Specific Plan";

(11) Matters of common knowledge to the City including, but not limited to, federal, State, and local laws, rule, regulations, and standards;

(12) These Findings and all documents expressly cited in these Findings; and

(13) Such other relevant materials required to be in the record of proceedings under Section 21167.6(e) of CEQA.

2.4 Custodian and Location of Records

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

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

3.0 GENERAL FINDINGS

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

(1) Under CEQA, the City of Diamond Bar is the appropriate "Lead Agency" for the proposed project and during the project's CEQA proceedings no other agency asserted or contested the City's "Lead Agency" status;

(2) As part of the CEQA process, in compliance with the provisions of Senate Bill (SB) 18 and the Governor's Office of Planning and Research's (OPR) "Supplement to General Plan Guidelines – Tribal Consultation Guidelines" (2005), the Lead Agency notified the appropriate California Native American tribe of the opportunity to conduct consultation for the purpose of preserving or mitigating impacts to cultural places, referred the proposed action to those tribes that are on the Native American Heritage Commission (NAHC) contact list that have traditional lands within the agency's jurisdiction, and send notice to tribes that have filed a written request for such notice;

(3) In recognition of the fact that the real property examined in the FEIR includes separate properties owned by the City, the District, and the County, the Lead Agency conducted extensive consultation with those agencies, in combination with other agencies identified by the Lead Agency in the FEIR, are identified as "Responsible Agencies" under CEQA;

(4) Copies of the Initial Study, NOP, DEIR, and NOC were provided to those Responsible Agencies identified in the FEIR and each such agency was provided a specified review period to submit comments thereupon;

(5) In compliance with Section 21092.5(a) of CEQA, at least 10 days prior to the certification of the FEIR, the Lead Agency provided its written proposed response to those public agencies that submitted comments to the Lead Agency on the DEIR;

(6) The FEIR and all environmental notices associated therewith were prepared in compliance with CEQA and the State CEQA Guidelines and in accordance with the City's local guidelines and procedures;

(7) The City Council has independently reviewed and analyzed the FEIR and the FEIR reflects the independent judgment of the City Council;

(8) A MRMP has been prepared for the proposed project, identifying those feasible mitigation measures that the City Council has adopted or will likely adopt in order to reduce the potential environmental effects of the proposed project to the maximum extent feasible;

(9) The mitigation measures adopted or likely to be adopted by the City Council will be fully implemented in accordance with the MRMP, verification of compliance will be documented, and each measure can reasonably be expected to have the efficacy and produce the post-mitigated consequences assumed in the FEIR;

(10) Each of the issues to be resolved, as identified in the FEIR and/or subsequently raised in comments received by the City during the deliberation of the City's advisory and decision-making bodies, have been resolved to the satisfaction of the City Council;

(11) The potential environmental impacts of the proposed project have been analyzed to the extent feasible at the time of certification of the FEIR;

(12) The City Council reviewed the comments received on the FEIR, including, but not limited to, those comments received following the dissemination of the DEIR and RTC, and the responses thereto and has determined that neither the comments received nor the responses thereto add significant new information under Section 15088.5 of the State CEQA Guidelines;

(13) The City Council has not made any decisions that would constitute an irretrievable commitment of resources toward the proposed project prior to the certification of the FEIR nor has the City Council previously committed to a definite course of action with respect to the proposed project;

(14) Copies of all the documents incorporated by reference in the FEIR are and have been available for review during the regular business hours of the City at the office of the Community Development Department from the custodian of records for such documents;

(15) These Findings incorporate by reference such other findings as may be required under Sections 65454, 65455, 66474, 66474.4, 65853, and 65860 of the California Government Code and those corresponding finding required under the "City of Diamond Bar Municipal Code" (Municipal Code); and

(16) Having received, reviewed, and considered all information and documents in the record, the City Council has or will impose conditions, mitigation measures, and take other reasonable actions to reduce the environmental effects of the proposed project to the maximum extend feasible and finds as stated in these Findings.

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

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

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

4.1 Air Quality

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

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

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

(a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated herein by reference.

(b) The air quality analysis was conducted in accordance with the methodology presented in the South Coast Air Quality Management District's (SCAQMD) "CEQA Air Quality Handbook" (SCAQMD, April 1993), "Localized Significance Threshold Methodology" (SCAQMD, June 2005), and updates included on the SCAQMD Internet web site. The analysis makes use of the URBEMIS2007 urban emissions model (Version 9.4.2) for the determination of daily construction and operational emissions, the United States Environmental Protection Agency's (USEPA) SCEEN3 Dispersion model for localized construction impacts, the provisions of the California Department of Transportation's (Caltrans) "Transportation Project-Level Carbon Monoxide Protocol," and CALINE4 computer model of on-road carbon monoxide (CO) dispersion modeling.

(c) Air quality impacts will occur during site preparation and construction activities. Major sources of emissions during construction include exhaust emissions, fugitive dust generated as a result of soil and material disturbance during grading activities, and the emission of reactive organic gases (ROGs) during site paving and the painting of the structures.

(d) The terms "reactive organic gases" (ROGs), "reactive organic compounds" (ROCs), and "volatile organic compounds" (VOCs) are used interchangeable in the DEIR.

(e) Based on the SCAQMD's recommended threshold criteria, URBEMIS computer model results indicate that ROG emissions associated with the application of paints and coatings could result in a potentially significant short-term air quality impact. Because the construction phase could create ROG emissions is exceedance of the SCAQMD's recommended significance threshold, the Lead Agency has formulated a number of mitigation measures (Mitigation Measures 7-1 and 7-2) to reduce that impact to the extent feasible.

(f) In addition to those mitigation measures identified by the Lead Agency, all projects constructed in the South Coast Air Basin (SCAB) are subject to standard conditions and uniform codes. Compliance with these provisions is mandatory and, as such, does not constitute mitigation under CEQA. Those conditions mandated by the SCAQMD include, but are not limited to, the following: (1) Rule 403 requires the use of Best Available Control Technologies (BACT) during construction and sets requirements for dust control associated with construction

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

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

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

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

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

(a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated herein by reference.

(b) The major source of long-term air quality impacts is that associated with the emissions produced from project-generated vehicle trips. With regards to mobile source emissions, based on the findings of the traffic analysis, the proposed project is estimated to produce 9,276 average daily vehicle trips (ADT).

(c) Emissions associated with project-related trips are based on the URBEMIS2007 computer model and assumed site occupancy in 2009. Since emissions per vehicle are reduced annually due to tightening emissions restrictions and replacement of older vehicles, the use of 2009 emission factors presents a worst-case analysis with regards to operational air quality impacts.

(d) Operational ROG, nitrogen oxides (NOx), and carbon monoxide (CO) emissions are projected to exceed the SCAQMD recommended threshold of significance values and the impact is potentially significant. Because project occupancy is projected to create ROG, NOx, and CO emissions in excess of the SCAQMD suggested daily criteria, the Lead Agency has formulated a number of mitigation measures (Mitigation Measures 7-3 through 7-7) to reduce that impact to the extent as feasible.

(e) Implementation of those measures would not be expected to reduce ROG, NOx, and CO emission levels to a less-than-significant level. There are no reasonably available mitigation measures than can reduce projected operational ROG, NOx, and CO emissions to less-than-significant levels.

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

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

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

(a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated herein by reference.

(b) Since ROG emissions associated with the application of asphalt, paints, and coatings and ROG, NOx, and CO mobile source emissions are expected to remain significant, the project will add incrementally to the cumulative air quality impact produced by other related projects.

(c) ROG and NO_X are criteria pollutant precursors and go on to form secondary criteria pollutants through chemical and photochemical reaction in the atmosphere.

(d) The SCAB is classified by the State as "extreme non-attainment" for ozone. Ozone is one of a number of substances (photochemical oxidants) that are formed when ROCs and NOx react with sunlight.

(e) Mitigation for the cumulative impact is as specified for construction and operational impacts. However, even with the adoption of the recommended measures, air quality impacts will remain cumulatively significant. No mitigation measures, formulated specifically to address the project's potential incremental contribution to cumulative air quality impacts, are deemed to be reasonably feasible.

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

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

5.1 Land Use

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

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

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

(a) Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the FEIR and that analysis is incorporated by reference herein.

(b) Although no commercial site plan has been presented for the Lead Agency's consideration, once development plans are formulated, those plans are subject to the City's development review process and must conform to applicable property development and use standards.

(c) Chapter 22.48 (Development Review) in Title 22 (Development Code) of the Municipal Code establishes procedures for reviewing residential, commercial industrial, and institutional development to facilitate review in a timely and

efficient manner, and to ensure that development projects comply with all applicable design guidelines, standards, and minimize adverse effects on surrounding properties and the environment. Section 22.16.080 (Screening and Buffering) in Chapter 22.6 (General Property Development and Use Standards) therein presents the City's minimum standards for the screening and buffering of adjoining land uses, equipment and outdoor storage areas, and surface parking areas with respect to both multi-family and non-residential land uses.

(d) Single-family attached and/or multi-family residential development is proposed adjacent and in close proximity to existing single-family detached residential areas located to the north, south, and east of the project site. Although residential densities between the two housing product types may vary, both existing and proposed residential uses would be expected to possess similar operational characteristics and use expectations.

(e) The proposed residential, recreational, and open spaces uses are compatible with existing and proposed development within the general project area.

(f) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of standard conditions of approval (Conditions of Approval 1-1 and 1-2) designed to promote land-use consistency and compatibility.

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

5.1.2 Environmental Effect: The proposed mixed-use project, including the land uses, densities, and development standards now under consideration, could conflict with the adopted plans and policies of the City (Land Use Impact 1-2).

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

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

(a) Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the FEIR and that analysis is incorporated by reference herein.

(b) The proposed project is generally consistent with the policies of the "City of Diamond Bar Genera Plan" (General Plan).

(c) In addition to General Plan consistency, the project is subject to compliance with applicable provisions of the Municipal Code, including those contained in Chapter 22.22 (Hillside Management) of the Development Code. In accordance with the provisions of Section 22.22.040 (Density) in Title 22 (Development Code) of the Municipal Code, a total of 524 dwelling units could be developed on the site, which is substantially greater than the 202 dwelling units proposed.

(d) Although a General Plan amendment (GPA) and/or zone change (ZC) would be required to accommodate the proposed residential use, the proposed densities are allowable in the City. Subject to a GPA and/or ZC, the residential portion of the project would be deemed consistent with the "City of Diamond Bar General Plan" (General Plan).

(e) Based on existing zoning and assuming a lot-line adjustment to better equate the existing zoning with the site's development potential, as specified in Section 22.10.020 (Purpose of Commercial/Industrial Zoning Districts) in Chapter 22.10 (Commercial/Industrial Zoning Districts) in Title 22 (Development Code) of the Municipal Code, the allowable floor-area-ratio (FAR) for non-residential development in the "Neighborhood Commercial (C-1)" zoning district shall be

from 0.25 to 1.00. In accordance therewith, a range of between 109,880 and 439,520 square feet of commercial use could be developed on the project site. The 153,985 square feet of commercial use now being proposed falls near the lower end (0.35 FAR) of the allowable FAR range and would, therefore, be consistent with the City's land-use policies.

(f) The proposed project is generally consistent with the applicable core policies of the Southern California Association of Government's (SCAG) 2008 "Regional Comprehensive Plan – Helping Communities Achieve a Sustainable Future" (2008 RCP).

(g) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 1-3) designed to provide notification to SCAG of projected growth within the City, so as to allow SCAG to more effectively update regional plans.

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

5.1.3 Environmental Effect: Project implementation requires a General Plan amendment, adoption of a specific plan, zone change, subdivision of the project site, and other discretionary actions to accommodate the proposed land uses. Each of those actions is subject to specific findings by the City Council and/or by other responsible agencies (Land Use Impact 1-3).

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

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

(a) Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the FEIR and that analysis is incorporated by reference herein.

(b) A specific plan is a regulatory tool, authorized under the provisions of Sections 65450-65457 of the CGC, which is intended to guide the development of a localized area and serve as a tool for the systematic implementation of the general plan. A specific plan document establishes a link between the implementing policies contained in an agency's general plan and the individual development proposal in a defined area. No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the agency's general plan. No public works project, no tentative map, and no zoning ordinance may be approved, adopted, or amended within the area covered by a specific plan unless consistent with the adopted specific plan.

(c) As indicated in Section 66474, a legislative body of a city or county shall deny approval of a subdivision map if finds that: (a) the proposed map is not consistent with applicable general and specific plans; (b) the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans; (c) the site is not physically suitable for the type of development; (d) the site is not physically suitable for the proposed density of development; (e) the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; (f) the design of the subdivision or type of improvements is likely to cause serious public health problems; and/or (g) the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at

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

(d) Pursuant to the General Plan, it is the policy of the City to "[e]ncourage the innovative use of land resources and development of a variety of housing and other development types, provide a means to coordinate the public and private provisions of services and facilities, and address the unique needs of certain lands by recognizing Specific Plan (SP) overlay designations: (a) for large scale development areas in which residential, commercial, recreational, public facilities, and other land uses may be permitted; and (b) large acreage property(ies) in excess of ten acres that are proposed to be annexed into the City" (Strategy 1.1.9, Land Use Element).

(e) The information presented in the FEIR may be used, in whole or in part, by the City and by other responsible agencies to support specific findings as mandated by State law and by agency requirements and procedures, both as may be required under CEQA and as may be required in support of other actions that may be taken by the City and by other agencies with regards to the proposed project or any aspect thereof. In the event that the City and/or other responsible agencies are unable to make requisite findings, those discretionary approvals associated with those findings cannot be issued. In the absence of the issuance of requisite permits and approvals, no physical changes to the project site would be anticipated to occur and no environmental impacts would result therefrom.

(f) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 1-4) designed to ensure an appropriate nexus between the project's environmental review and any resulting land-use entitlements.

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

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

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

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

(a) Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the FEIR and that analysis is incorporated by reference herein.

(b) Implementation of the proposed project in combination with those other related projects will result in the further urbanization of the general project area, including the conversion of vacant or under-developed properties to higher-intensity uses.

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

(c) Anticipated residential development in the City exceeds the population growth estimates formulated by SCAG. SCAG's projections are used as the basis for establishing regional transportation plans. By under-estimating interim local demands, regional plans may not be as effective in responding to areawide interim transportation needs.

(d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 1-3) designed to apprise SCAG of projected growth within the City, so as to allow SCAG to more effectively update regional plans.

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

5.2 Population and Housing

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

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

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

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

(b) During construction, an estimated 73 workers would be associated with the project's 202 multi-family housing units and an additional estimated 49 workers would be associated with the project's 153,985 square feet of commercial use.

(c) The workforce required for the project's construction, operation, and maintenance can be reasonably drawn from the available regional labor pool.

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

5.2.2 Environmental Effect: Project implementation will result in the addition of up to 202 dwelling units to the City's existing housing stock and will increase the City's population by approximately 662 individuals, based on the California Department of Finance's existing (January 2008) Citywide vacancy rates and average household size (3.335 persons/unit) and vacancy rate (1.71 percent) (Population and Housing Impact 2-2).

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

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

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

(b) As indicated in California Department of Finance estimates, in January 2008, the City's population was estimated to be 60,360 individuals. The total number of dwelling units was estimated to be 18,380 units.

(c) Total number of dwelling units now proposed (202 units) is less than the adopted SCAG 2006-2014 RHNA for new construction for "above moderate" income households (440 units) and only slightly more than SCAG's identified new construction need for "moderate" income households (188 units). The project represents about 18.5 percent of the projected housing needs for the period 2006-2014. Since the projected increase appears generally consistent with regional projections, the project will further the attainment of SCAG's regional housing needs assessment.

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

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

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

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

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

(b) Based on the projected number of direct new jobs (462 jobs) and the number of housing units associated with the proposed project (202 dwelling units), the project's projected on-site jobs-to-housing ratio is about 2.3, indicating the project is "jobs rich." The relatively small number of jobs and housing units, however, is not significant in the broader regional context.

(c) The inclusion of both residential and commercial uses on the same site serve to further attainment of the primary intent of jobs-housing balance, namely the reduction of vehicle miles traveled (VMT) and the corresponding air quality benefits.

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

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

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

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

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

(b) Between 2010 and 2030, the jobs-housing ratio for the City will decrease from only 0.86 to 0.82. As a result, the City will remain "housing rich" and "jobs poor."

(c) Based on the projected number of direct new jobs attributable to the proposed project (462 jobs) and the number of housing units (202 units), the project's projected on-site jobs-to-housing ratio is about 2.3 and the proposed project would be categorized as being "jobs rich." As a result, the proposed project promotes the attainment of SCAG's jobs-housing policies and would not incrementally contribute to the existing imbalance.

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

5.3 Geotechnical Hazards

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

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

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

(a) Project-related and cumulative geotechnical hazards impacts are addressed in Section 4.3 (Geotechnical Hazards) in the FEIR and that analysis is incorporated by reference herein.

(b) Information and analysis concerning the existing geologic, geotechnical, seismic, and soils setting, including specific design and development recommendations formulated in response thereto, are presented in "Preliminary Geotechnical Engineering Report: Site D-Mass Grading, Walnut Valley Unified School District, Diamond Bar, California" (KFM GeoScience, January 15 2008).

(c) The proposed project is feasible from a geotechnical perspective, provided that the recommendations presented in the project's geotechnical investigations are incorporated into the project's design and construction. Since the Applicant has committed to the incorporation of those recommendations, they are part of the proposed project and the project's design, construction, and operation will occur in conformity and compliance therewith.

(d) Design and development activities will occur in conformance with applicable Uniform Building Code (UBC) and California Building Standards Code (CBSC) standards and requirements.

(e) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 3-1) to ensure that each of the recommendations presented in the geotechnical investigation are incorporated into the design, development, and operation of the proposed project.

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

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

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

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

(a) Project-related and cumulative geotechnical hazards impacts are addressed in Section 4.3 (Geotechnical Hazards) in the FEIR and that analysis is incorporated by reference herein.

(b) Information and analysis concerning the existing geologic, geotechnical, seismic, and soils setting, including specific design and development recommendations formulated in response thereto, are presented in "Preliminary Geotechnical Engineering Report: Site D-Mass Grading, Walnut Valley Unified School District, Diamond Bar, California" (KFM GeoScience, January 15 2008).

(c) The proposed project is feasible from a geotechnical perspective, provided that the recommendations presented in the project's geotechnical investigations are incorporated into the project's design and construction. Since the Applicant has committed to the incorporation of those recommendations, they are part of the proposed project and the project's design, construction, and operation will occur in conformity and compliance therewith.

(d) Design and development activities will occur in conformance with applicable UBC and CBSC standards and requirements.

(e) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 1-3) to ensure that each of the recommendations presented in the geotechnical investigation are incorporated into the design, development, and operation of the proposed project.

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

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

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

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

(a) Project-related and cumulative geotechnical hazards impacts are addressed in Section 4.3 (Geotechnical Hazards) in the FEIR and that analysis is incorporated by reference herein.

(b) Adequate control measures have been formulated to ensure that all public and private structures are constructed and maintained in recognition of site-specific, area-specific, and regional geologic, geotechnical, seismic, and soils conditions.

(c) Compliance with applicable UBC and CSBC standards and associated permit-

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

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

5.4 Hydrology and Water Quality

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

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

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

(a) Project-related and cumulative hydrology and water quality impacts are addressed in Section 4.4 (Hydrology and Water Quality) in the FEIR and that analysis is incorporated by reference herein.

(b) Information and analysis concerning the existing hydrologic and water quality setting, including specific design and development recommendations formulated in response thereto, are presented in "Preliminary Drainage Report for Site 'D' Improvements at Intersection of Diamond Bar Boulevard and Brea Canyon Road, Diamond Bar, California" (PENCO Engineering, Inc., February 7, 2008, revised April 6, 2009).

(c) Water quality protection is ensured through preparation and implementation of the stormwater pollution prevention plan (SWPPP), as required under the State Water Resources Control Board's (SWRCB) National Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction Activity (Construction General Permit), through Best Management Practices (BMPs) designed to ensure that grading and construction operations involving the transport, storage, use, and disposal of a variety of construction materials complies with certain storage, handling, and transport requirements.

(c) Pursuant to the Regional Water Quality Control Board, Los Angeles Region's (LARWQCB) fourth-term General National Pollutant Discharge Elimination System (NPDES) permit (NPDES No. CAS004001) for discharges to the municipal separate storm sewer system (MS4) in County, a standard urban stormwater mitigation plan (SUSMP) shall be required, including appropriate BMPs and guidelines to reduce pollutants in storm water to the maximum extent possible (MEP).

(d) The Construction General Permit and compliance with SWPPP and MS4 permit requirements constitute mandatory project measures. Compliance ensures that project-induced water-borne erosion does not significantly impact downstream drainage systems.

(e) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 4-2) requiring the City Engineer's approval of a SUSMP conforming to the requirements of Section 8.12.1695 of the Municipal Code.

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

5.4.2 Environmental Effect: Project implementation will result in the introduction of impervious surfaces onto the project site and, as a result of the impedance of opportunities for absorption and infiltration of those waters, has the potential to increase the quantity, velocity, and duration of storm waters discharged from the tract map area (Hydrology and Water Quality Impact 4-2).

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

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

(a) Project-related and cumulative hydrology and water quality impacts are addressed in Section 4.4 (Hydrology and Water Quality) in the FEIR and that analysis is incorporated by reference herein.

(b) According to the recorded plans for the Brea Canyon Storm Drain Channel (Private Drain No. 395), a 25-year discharge of 2,285 cubic feet per second (cfs) is shown at the downstream side of the Diamond Bar Boulevard culvert. The Los Angeles County Department of Public Works (LACDPW) stipulated that the existing County-operated and maintained drainage system accommodate a 50-year storm event of 2,602 cfs.

(c) A 50-year storm creates approximately 68.38 cfs of runoff from the western portion of the project site and an existing 33-inch diameter reinforced concrete pipe located to the south of the project site currently carries off-site discharge of 83.94 cfs. When combined with existing off-site discharge, the 50-year storm runoff totals 174.80 cfs at the Brea Canyon Storm Drain Channel. The summation of 50-year flows (2,602 + 174.80 = 2,776.8) from the project site and from the channel total approximately 2,777 cfs at this reach.

(d) Drainage improvements are proposed to accommodate projected flows. As proposed, at this reach, the existing Brea Canyon Channel will be replaced with reinforced concrete box (RCB). An existing tributary open channel east of the project site will be replaced with RCB, as well as the proposed entrance to the site. To convey the 50-year discharge, the proposed channel section will be double cells 9-foot-wide by 8-foot-high RCB with an average 20 feet of cover. Approximately 50 feet of transition box will be constructed from the proposed RCB section to the existing culvert section under Diamond Bar Boulevard. A transition structure downstream of the proposed RCB will be construed to join the existing trapezoidal channel.

(e) The Lead Agency has identified a standard condition of approval (Condition of Approval 4-1) requiring receipt of all requisite permits and approvals from the LACDPW allowing for the overbuilding of the Brea Canyon Storm Drain Channel.

(f) To ensure that drainage improvements are consistent with applicable design and development standards and that post-project drainage flows do not result in any adverse public safety or other impacts, a mitigation measure (Condition of Approval 4-1) has been included in the FEIR and adopted or likely to be adopted in the MRMP specifying that all drainage facilities and improvements are subject to final design and engineering review and approval by the City Engineer and, for those storm drain facilities under County jurisdiction, by the LACDPW.

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

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

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

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative hydrology and water quality impacts are addressed in Section 4.4 (Hydrology and Water Quality) in the FEIR and that analysis is incorporated by reference herein.
(b) Conversion of the project site to a mixed-use development will generate additional urban runoff that would be discharged into Diamond Bar Creek. Project-generated runoff could contribute to potentially significant cumulative water quality impacts generated by existing and future land uses within the tributary watershed area.
(c) The proposed project and other related projects will be required to implement BMPs and fully comply with all applicable State water quality laws and regulations.
(d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of standard conditions of approval (Conditions of Approval 4-1 and 4-2) requiring receipt of all requisite permits and approvals from the LACDPW allowing for the overbuilding of the Brea Canyon Storm Drain Channel and the City Engineer's approval of a SUSMP conforming to the requirements of Section 8.12.1695 of the Municipal Code.
(e) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

5.5 Biological Resources

5.5.1 Environmental Effect: Construction activities and fuel-modification requirements will result in direct impacts from vegetation removal of about 30.4 acres located within the tract map area. Fuel modification requirements imposed by the Los Angeles County Fire Department could directly impact additional vegetation (Biological Resources Impact 5-1).

Findings: The City Council hereby makes Findings (1) and (2).

Facts in Support of Findings: The following facts are presented in support of these findings:

(a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.
(b) Information and analysis concerning the existing biological resource, arboreal, and jurisdictional setting, including an assessment of project-related impacts, are

presented in the following studies: (1) "Biological Resources Assessment – Site D, City of Diamond Bar, Los Angeles County, California" (PCR Services Corporation, June 24, 2008); (2) "Tree Survey Report – Site D, City of Diamond Bar, Los Angeles County, California" (PCR Services Corporation, December 18, 2007); (3) "Results of Sensitive Plant Surveys Conducted for the Site D Project Site, City of Diamond Bar, Los Angeles County, California" (PCR Services Corporation, December 18, 2007); and (4) "Investigation of Jurisdictional Wetlands and Waters of the U.S., Site D, City of Diamond Bar, Los Angeles County, California" (PCR Services Corporation, June 24, 2008).

(c) During grading operations, impacts will occur to approximately 20.4 acre of disturbed/ruderal, 3.6 acre of eucalyptus stand/disturbed, 2.8 acres of mule fat scrub, 2.1 acres of California walnut woodlands, 0.9 acre of ruderal/goldenbush scrub, and 0.3 acres of southern willow scrub. With the exception of southern willow scrub, none of these plant communities are considered rare or of high priority for inventory by the California Natural Diversity Database (CNDDB).

(d) Rare natural communities are those communities that are of highly limited distribution. The most current version of the California Department of Fish and Game's "The Vegetation Classification and Mapping Program – List of California Terrestrial Natural Communities Recognized by the California Natural Diversity Database" (CDFG, 2003) serves as a guide to each community's status.

(e) California walnut woodlands and southern willow scrub are considered high-priority for inventory under the CNDDB because they are experiencing decline throughout its range. These habitats are marginal in its value because they are fragmented (i.e., not contiguous with similar habitats) and not expected to support sensitive species. Focused sensitive plant surveys were negative and habitat assessments for sensitive wildlife species (e.g., the least Bell's vireo and southwestern willow flycatcher) determined that these habitats are not suitable to support these species.

(f) Although California walnut woodlands and southern willow scrub are associated with United States Army Corps of Engineers (ACOE), Regional Water Quality Control Board (RWQCB), the loss, removal, and destruction of these plant communities on the project site would neither eliminate nor substantially diminish the functions and values of the on-site drainages as a regional biological resource.

(g) The project would cause the direct mortality of some common wildlife species and the displacement of more mobile species to suitable habitat areas nearby. These impacts, by themselves, would not be expected to reduce general wildlife populations below self-sustaining levels within the region.

(h) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

5.5.2 Environmental Effect: The project will permanently impact approximately 2,125 linear feet of streambed, including approximately 0.20 acres of United States Army Corps of Engineers (ACOE) and Regional Water Quality Control Board (RWQCB) jurisdictional waters and approximately 4.10 acres of California Department of Fish and Game (CDFG) jurisdictional streambed and associated riparian habitat (Biological Resources Impact 5-2).

Findings: The City Council hereby makes Findings (1) and (2).

Facts in Support of Findings: The following facts are presented in support of these findings:

(a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.

(b) Project implementation will result in direct impacts to approximately 2,125 linear feet of streambed. A total of approximately 0.20 acre of ACOE/RWQCB jurisdictional waters of the United States (WoUS) and approximately 4.10 acres of CDFG jurisdictional streambed and associated riparian habitat would be impacted by the proposed development. No direct impacts to jurisdictional waters are anticipated beyond the project boundaries.

(c) The project will require a nationwide Section 404 (CWA) permit from the ACOE, a Section 401 (CWA) water quality certification from the RWQCB, and a Section 1602 (CFGC) streambed alteration agreement from the CDFG. Impacts to jurisdictional features will be subject to the regulations set forth by the ACOE, RWQCB, and CDFG and will require mitigation or result in the imposition of other conditions for the identified impacts to jurisdictional waters.

(d) In recognition of the presence of jurisdictional waters, a mitigation measure (Mitigation Measure 5-1) has been included in the FEIR and adopted or likely to be adopted in the MRMP specifying that, unless a greater ratio is required by permitting agencies: (1) the on-site and/or off-site replacement of ACOE/RWQCB jurisdictional waters and wetlands occur at a 2:1 ratio; (2) the on-site and/or off-site replacement of CDFG jurisdictional streambed and associated riparian habitat occur at a 2:1 ratio; and (3) the incorporation of design features into the proposed project's design and development. Implementation of that measure will reduce identified impacts to below a level of significance.

5.5.3 Environmental Effect: Proposed grading and grubbing activities will result in the removal of 83 protected ordinance-size trees, including 75 California black walnut, six willow, and two coast live oak trees, which now exist on the project site (Biological Resources Impact 5-3).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.

(b) A total of 75 California black walnut, six willow, and two coast live oak trees will be impacted by the proposed project. Each of these species is protected trees under Chapter 22.38 of the Municipal Code. The Oaks and Willows, however, do not meet the size criteria in the tree ordinance to be classified as protected trees. As required therein, the City may require a tree maintenance agreement prior to removal of any protected tree or commencement of construction activities that may adversely affect the health and survival of trees to be preserved.

(c) The project is subject to compliance with the provision of Chapter 22.38 (Tree Preservation and Protection) of the Municipal Code.

(d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of standard conditions of approval (Conditions of Approval 5-

2 through 5-4) requiring the preparation of an arborist-prepared tree study and specified replacement requirements for qualifying trees and California walnut woodlands, and promoting vegetation removal activities outside the nesting bird season.

(e) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

5.5.4 Environmental Effect: Construction activities initiated during the nesting season, typically extending from February 15 to August 15 of each year, could impact nesting birds and raptors in violation of the federal Migratory Bird Treaty Act (Biological Resources Impact 5-4).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.

(b) One sensitive bird species (Cooper's hawk) was observed within the project area and three additional species (white-tailed kite, sharp-shinned hawk, and loggerhead shrike) have the potential to occur within the study area due to the presence of suitable habitat. Since these species are not protected by federal or State listings as threatened or endangered and since the loss of individuals would not threaten the regional populations.

(c) Based on the presence of suitable vegetation, the removal of vegetation during the breeding season (typically extending between February 15 and August 15) could constitute a potentially significant impact.

(d) Disturbing or destroying active nests is a violation of the federal Migratory Bird Treaty Act and nests and eggs are protected under Section 3503 and 3513 of the California Fish and Game Code.

(e) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 5-4) promoting vegetation removal activities outside the nesting bird season.

(f) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

5.5.5 Environmental Effect: Project implementation has the potential to impede existing wildlife movement patterns across the project site (Biological Resources Impact 5-5).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.

(b) The project site is located to the north of the area identified by the Conservation Biological Institute as part of the "Puente-Chino Hills wildlife corridor."

(c) Although wildlife movement corridors exist in the general project area, the project site does not serve any connectivity or linkage role with regards to regional wildlife movement.

(d) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

5.5.6 Environmental Effect: If improperly designed and maintained, the proposed on-site flood control facilities and structural and treatment control Best Management Practices (BMPs) could potentially provide a habitat for the propagation of mosquitoes and other vectors (Biological Resources Impact 5-6).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.

(b) Urban stormwater runoff regulations now mandate the construction and maintenance of structural BMPs for both volume reduction and pollution management. Those BMPs can create additional sources of standing water and sources for mosquito propagation.

(c) In the general project area, vector control is performed by the Greater Los Angeles County Vector Control District (GLACVCD), a County special district funded by ad valorum property and benefit assessment taxes.

(d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 5-5) requiring that BMP devices shall be designed in consultation with the Greater Los Angeles County Vector Control District and shall be of a type which minimizes the potential for vector (public nuisance) problems.

(e) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

5.5.7 Environmental Effect: Implementation of the proposed project, in combination with other reasonably foreseeable future projects, will contribute incrementally to the continuing reduction in open space areas in the general project area and contribute to the general decline in species diversity throughout the region (Biological Resources Impact 5-7).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.

(b) Implementation of the proposed project and other reasonably foreseeable future projects will contribute incrementally to the continuing urbanization of the region.

(c) The proposed project will impact approximately 2.1 acres of California walnut woodland and 0.3 acres of southern willow scrub habitat. As a result, the project

will add incrementally to the regional loss of plant communities considered high-priority for inventory under the CNDDB.

(d) Although California walnut woodlands and southern willow scrub are considered high-priority for inventory under the CNDDB, these on-site habitats are marginal in its value because they are fragmented and not expected to support sensitive species. As a result, the incremental reduction in these habitats would not be cumulatively significant.

(e) Under Section 22.38.030 of the Municipal Code, protected trees, including "native oak, walnut, sycamore and willow trees with a DBH [diameter at breast height] of eight inches or greater" shall be replaced at a minimum ratio of 3:1.

(f) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

5.6 Traffic and Circulation

5.6.1 Environmental Effect: Construction vehicles will transport workers, construction equipment, building materials, and construction debris along local and collector streets and along arterial highways within and adjacent to established residential areas and other sensitive receptors (Traffic and Circulation Impact 6-1).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative traffic and circulation impacts are addressed in Section 4.6 (Traffic and Circulation) in the FEIR and that analysis is incorporated by reference herein.

(b) Information and analysis concerning the existing traffic and circulation setting, including an assessment of project-related impacts, is presented in "Traffic Impact Analysis Report, WVUSD Site D Mixed-Use Development, Diamond Bar, California" (Linscott, Law & Greenspan Engineers, April 23, 2009).

(c) Construction traffic, including vehicles associated with the transport of heavy equipment and building materials to and from the project site and construction workers commuting to and from work, will increase traffic volumes along Diamond Bar Boulevard and Brea Canyon Road and, because site access can be obtained from Castle Rock Road and Pasado Drive, construction workers may elect to park along and construction vehicles could stage at those roadways.

(d) Existing (2007) daily traffic volumes along project area roadway segments include: (1) Brea Canyon Road (north of Diamond Bar Boulevard) – 4,896 average daily trips (ADT); (2) Brea Canyon Road (south of Diamond Bar Boulevard) – 12,696 ADT; (3) Diamond Bar Boulevard (north of Cherrydale Drive) – 20,512 ADT; and, (4) Brea Canyon Cutoff (west of Fallow Field-Diamond Canyon) – 11,003 ADT. Since the projected 854 construction trips would be substantially less than those existing capacity figures and would primarily occur during off-peak periods, construction-related traffic would not adversely affect the existing levels of service (LOS) along those roadways.

(e) Compliance with and enforcement of speed laws and other provisions of the California Vehicle Code (CVC) and the safe use and operation of vehicles by their drivers would be expected to keep public safety issues at a less-than-significant level.

(f) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of standard conditions of approval (Condition of Approvals 6-1 through 6-4) requiring the preparation of a construction workers' parking and equipment staging plan, construction traffic mitigation plan, and traffic control plan, and restricting construction-term access from and along Castle Rock Road and Pasado Drive.

(g) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

5.6.2 Environmental Effect: The project is forecast to generate approximately 9,276 daily two-way vehicle trips, including 272 trips during the AM and 650 trips during the PM peak hours, and would increase traffic congestion on local and regional roadways (Traffic and Circulation Impact 6-2).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative traffic and circulation impacts are addressed in Section 4.6 (Traffic and Circulation) in the FEIR and that analysis is incorporated by reference herein.

(b) The project's traffic impact analysis was conducted in accordance with the City's "Guidelines for the Preparation of Traffic Impact Analysis Report" and, for each of the 20 study area intersections, included an assessment of the following nine scenarios were examined: (1) 2007 existing traffic conditions; (2) 2007 existing-plus-project traffic conditions; (3) 2007 existing-plus-project traffic conditions, with Improvements; (4) 2010 cumulative-base conditions (existing, ambient growth, and related projects); (5) 2010 cumulative-base-plus project traffic conditions; (6) 2010 cumulative-base-plus project conditions, with Improvements; (7) 2030 cumulative-base conditions (existing, ambient growth, and related projects); (8) 2030 cumulative-base-plus-project traffic conditions; (9) 2030 cumulative-base-plus-project traffic conditions, with Improvements.

(c) In accordance with City traffic impact analysis (TIA) requirements, the project's construction of or payment of a "fair share" contribution toward the construction costs of identified areawide street improvements serves to fully and effectively reduce the project's traffic and circulation impacts to a less-than-significant level.

(c) Prior to implementation of any recommended traffic improvements, on a cumulative-plus-project bases, traffic associated with the proposed project will significantly impact nine intersections in the long-term (2030) and contribute to the adverse service levels at three additional intersections forecast to operate at an unsatisfactory LOS in 2030. Those locations projected to operate at an adverse service level in 2030 include: (1) Brea Canyon Road (W) at Pathfinder Road; (2) Diamond Bar Boulevard at Pathfinder Road; (3) Brea Canyon Road at Cold Springs Lane; (4) Cold Springs Lane at Diamond Bar Boulevard; (5) Pathfinder Road at Brea Canyon Cutoff; (6) SR-57 SB Ramps at Brea Canyon Cutoff; (7) SR-57 NB Ramps at Brea Canyon Cutoff; (8) Brea Canyon Road at Diamond Bar Boulevard; (9) Cherrydale Drive at Diamond Bar Boulevard; (10) Brea Canyon Road at Silver Bullet Drive; (11) Diamond Bar Boulevard at Grand Avenue; and (12) Colima Road at Brea Canyon Cutoff.

(d) Since twelve intersections which are forecast to operate at a poor level of service (LOS) under 2030 cumulative-plus-project traffic conditions, a number of mitigation measures (Mitigation Measures 6-1 and 6-2) have been included in the FEIR and adopted or likely to be adopted in the MRMP identifying associated street improvements and the proposed project's obligations toward those improvements and specifying that the final site plan shall include and accommodate those traffic measures, improvements, and such other pertinent factors and/or facilities as may be identified by the City Engineer for the purpose of ensuring the safe and efficient movement of project-related traffic. Implementation of the recommended improvements and "fair-share" contribution will reduce identified traffic and circulation impacts to below a level of significance.

5.6.3 Environmental Effect: The implementation of the proposed project, in combination with other related projects, will collectively contribute to existing traffic congestion in the general project area and exacerbate the need for localized areawide traffic improvements (Traffic and Circulation Impact 6-3).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative traffic and circulation impacts are addressed in Section 4.6 (Traffic and Circulation) in the FEIR and that analysis is incorporated by reference herein.

(b) Prior to implementation of any recommended traffic improvements, the following twelve intersections are projected to operate at an adverse LOS in 2030: (1) Brea Canyon Road (W) at Pathfinder Road; (2) Diamond Bar Boulevard at Pathfinder Road; (3) Brea Canyon Road at Cold Springs Lane; (4) Cold Springs Lane at Diamond Bar Boulevard; (5) Pathfinder Road at Brea Canyon Cutoff; (6) SR-57 SB Ramps at Brea Canyon Cutoff; (7) SR-57 NB Ramps at Brea Canyon Cutoff; (8) Brea Canyon Road at Diamond Bar Boulevard; (9) Cherrydale Drive at Diamond Bar Boulevard; (10) Brea Canyon Road at Silver Bullet Drive; (11) Diamond Bar Boulevard at Grand Avenue; (12) Colima Road at Brea Canyon Cutoff.

(c) Since twelve intersections which are forecast to operate at a poor level of service (LOS) under 2030 cumulative-plus-project traffic conditions, a number of mitigation measures (Mitigation Measures 6-1 and 6-2) have been included in the FEIR and adopted or likely to be adopted in the MRMP identifying associated street improvements and the proposed project's obligations toward those improvements and specifying that the final site plan shall include and accommodate those traffic measures, improvements, and such other pertinent factors and/or facilities as may be identified by the City Engineer for the purpose of ensuring the safe and efficient movement of project-related traffic. Implementation of the recommended improvements and "fair-share" contribution will reduce identified traffic and circulation impacts to below a level of significance.

5.7 Air Quality

5.7.1 Environmental Effect: Because the project involves a General Plan amendment and zone change, it has the potential to be inconsistent with the applicable air quality management plan (Air Quality Impact 7-1).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated by reference herein.

(b) CEQA requires that projects be consistent with the "Air Quality Management Plan" (AQMP). A consistency determination plays an essential role in local agency project review by linking local planning and unique individual projects to the AQMP in the following ways: (1) it fulfills the CEQA goal of fully informing local agency decision-makers of the environmental costs of the project under consideration at a stage early enough to ensure that air quality concerns are fully addressed; and (2) it provides the local agency with ongoing information assuring local decision-makers that they are making real contributions to clean air goals contained in the AQMP.

(c) Only new or amended general plan elements, specific plans, and regionally significant projects need to undergo a consistency review. This is because the AQMP strategy is based on projections from local general plans. Projects that are consistent with the local general plan are, therefore, considered consistent with the air quality management plan.

(d) As indicated in the analysis presented in the FEIR, the proposed project is consistent with the goals of 2007 AQMP and, in that respect, does not present a significant air quality impact.

(e) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

5.7.2 Environmental Effect: The proposed project has the potential to expose sensitive receptors to substantial pollutant concentrations (Air Quality Impact 7-4).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated by reference herein.

(b) All construction emissions concentrations for carbon monoxide (CO), nitrogen dioxide (NO_2), particulate matter less than 10 microns (PM_{10}), and particulate matter less than 2.5 microns ($PM_{2.5}$) are within their respective threshold values and are, therefore, less than significant.

(c) Based on a CO micro-scale hot-spot analysis, predicted CO values are below the State's 1-and 8-hour standards and any potential impact is less than significant.

(c) Mandatory adherence to the SCAQMD rules would ensure that any construction or operational impact from toxic air contaminants (TAC) associated with the operation of the project remains less than significant.

(d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 7-1) requiring that future residential purchasers be notified of the presence or potential presence of proximal commercial uses on the subject property.

(e) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

5.7.3 Environmental Effect: The proposed project has the potential to create objectionable odors (Air Quality Impact 7-5).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated by reference herein.

(b) Project construction would involve the use of heavy equipment creating exhaust pollutants from on-site earth movement and from equipment transporting materials to and from the site. In addition, some odors would be produced from the application of asphalt, paints, and coatings. With regards to nuisance odors, any air quality impacts will be confined to the immediate vicinity of the odor source and would be of short-term duration. Such brief exposure to nuisance odors constitutes an adverse but less-than-significant air quality impact.

(c) Operational odors could be produced from on-site food preparation and from diesel-fueled vehicles operating on the project site. These odors are common in the environment and subject to compliance with SCAQMD Rule 402 (Nuisance).

(d) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

5.7.4 Environmental Effect: The construction and operation of the proposed project will contribute to the generation of greenhouse gas (GHG) emissions. GHG have been linked to climate change (Air Quality Impact 7-7).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated by reference herein.

(b) At this time, greenhouse gases (primarily CO_2) are not regulated as a criteria pollutant and there are no significance criteria for these emissions. The current AQMP does not set CEQA targets that can be used to determine any potential threshold values.

(c) Carbon dioxide (CO_2) is the most common greenhouse gas. Construction activities would consume fuel and result in the generation of GHG emissions. Construction CO_2 emissions were projected using the URBEMIS2007 computer model. In accordance with the projected URBEMIS construction schedule, approximately 1,347,095.44 pounds (673.55 tons) of CO_2 would be produced over the approximate 299 days of active construction.

(d) In the case of site operations, the majority of GHG emissions, and specifically CO_2, are due to vehicle travel and energy consumption. Results of the URBEMIS2007 model indicate that, on average, 87,066.64 pounds (43.53 tons) of CO_2 would be produced daily or about 31,779,323.60 pounds (15,889.66 tons) per year.

(e) In accordance with the current AQMP, the emission levels in California are estimated to be 473 million metric tons (521.4 million short tons) CO_2 equivalent for 2000 and 532 million metric tons (568.4 short tons) CO_2 equivalent for 2010. Year 2009 (the worst-case scenario year that the emissions are based on) is then extrapolated to 526.1 million metric tons (579.9 short tons). At approximately 15,889.66 tons per year, the proposed project's operations represent less than 0.003 percent of this State's annual CO_2 emissions' budget.

(f) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

5.8 Noise

5.8.1 Environmental Effect: Construction activities could result in a substantial temporary increase in ambient noise levels in the project vicinity above levels existing without the project (Noise Impact 8-1).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative noise impacts are addressed in Section 4.8 (Noise) in the FEIR and that analysis is incorporated by reference herein.

(b) Noise levels associated with construction activities would be higher than the existing ambient noise levels in the project area but would subside once construction of the project is completed.

(c) The most proximate residential structures include the existing single-family homes located to the immediate south and east of the project site. The nearest of these homes could be on the order of 50 feet from on-site construction activities. At that distance, the equivalent noise level (Leq) noise levels would be projected to be as high as 89 A-weighted decibel scale (dBA).

(d) Construction noise is regulated in the City under the provisions of the Municipal Code. The Municipal Code limits the hours of heavy equipment operations. Notwithstanding those provisions, construction noise may continue to be a short-term nuisance to proximal noise-sensitive receptors.

(e) In recognition of the presence of construction noise and the proximity of existing residential receptors, a number of mitigation measures (Mitigation Measures 8-1 through 8-6) have been included in the FEIR and adopted or likely to be adopted in the MRMP which are designed to reduce short-term noise impacts to the maximum extend feasible. Implementation of the recommended mitigation measures would reduce construction noise impacts to a less-than-significant level.

5.8.2 Environmental Effect: Project implementation may result in an exceedance of noise standards established in the General Plan and/or Municipal Code or applicable standards formulated by other agencies (Noise Impact 8-2).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative noise impacts are addressed in Section 4.8 (Noise) in the FEIR and that analysis is incorporated by reference herein.

(b) The Municipal Code sets a goal level of 55 dBA for mobile-source noise intrusion on sensitive, multi-family land uses. The General Plan (Noise Element) allows for a conditionally acceptable exterior noise level of up to 65 dBA community noise equivalent level (CNEL) for residential uses as long as the dwelling units are fitted with forced air ventilation or air conditioning. Assuming the inclusion of forced air ventilation, commercial uses have an exterior goal of 65 dBA CNEL and a conditionally acceptable level of 70 dBA CNEL.

(c) Based on projected traffic volumes, the 65 dBA CNEL along Diamond Bar Boulevard would fall at a distance of about 130 feet from the centerline of the road. The placement of any residential units within this distance could then expose future residents to excessive noise levels and result in a potentially significant impact. Since any commercial structures that would lie between the residential units and Diamond Bar Boulevard could serve as an effective sound wall if they were to shield the residents from a view of the road traffic, the 130-foot distance is considered as conservative.

(d) The 65 dBA CNEL deemed suitable for residential development, equipped with forced air ventilation, would fall at a distance of about 830 feet from the freeway.

(e) The 70 dBA CNEL would fall at distances of about 60 feet from the centerline of Diamond Bar Boulevard.

(f) The Lead Agency has identified a standard condition of approval (Condition of Approval 8-1), as required under Title 24 standards, requiring forced air ventilation in the proposed residential development, thus allowing site occupants to leave windows closed and reducing interior levels by in excess of 20 dBA.

(e) Based on the potential presence of significant noise impacts, a number of mitigation measures (Mitigation Measures 8-7 and 8-8) have been included in the FEIR and adopted or likely to be adopted in the MRMP specifying that no residential units shall be located within 830 feet of the SR-57 Freeway's nearest travel lane unless additional sound attention is provided and no commercial units shall be located within 60 feet of the centerline of Diamond Bar Boulevard. Implementation of the recommended mitigation measures would reduce construction noise impacts to a less-than-significant level.

5.8.3 Environmental Effect: Project implementation may result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (Noise Impact 8-3).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative noise impacts are addressed in Section 4.8 (Noise) in the FEIR and that analysis is incorporated by reference herein.

(b) As traffic volumes in the general project area increase, those areas located in proximity to the area's arterial highway system will experience increased traffic

noise.

(c) The TIA indicates that the project would add 9,276 ADT to the roadway network. Modeling indicates that the noise increase along all access roads would not exceed 0.7 dBA CNEL. The project's contribution to ambient noise levels would, therefore, be less than significant.

(d) The dominant sources of noise through the project area are from freeway traffic and traffic along Diamond Bar Boulevard. Noise attenuates with distance and intervening objects and obstacles serve to further impede the transmittal of sound energy. The structures associated with the proposed development would serve as a partial sound wall reducing this noise at the existing residential location. The introduction of intervening structures could benefit adjacent residents by further reducing line-of-sight propagation of mobile source noise along adjoining roadways.

(e) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

5.8.4 Environmental Effect: Short-term construction and long-term operational noise associated with the proposed project, in combination with other related projects, will contribute to both a localized and an areawide increase in ambient noise levels in proximity to those projects and along those roadways utilized by project-related traffic (Noise Impact 8-4).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative noise impacts are addressed in Section 4.8 (Noise) in the FEIR and that analysis is incorporated by reference herein.

(b) Construction noise impacts are generally localized and limited to each related project site and those areas proximal to those construction operations. Cumulative construction noise impacts will be generally localized to each such project and the roadway network along which construction traffic travels.

(c) As traffic volumes in the general project area increase over time, those areas located in proximity to the area's arterial highway system will experience increased traffic noise. Existing roadway volumes would, however, need to double in order to produce a perceptible noise increase.

(d) Large-scale projects that contribute substantially to traffic volumes along the area's arterial highway system are subject to CEQA compliance. Similarly, the noise element of each agency's general plan specifies those roadways that are subject to excessive noise levels. As deemed appropriate, beyond those requirements already imposed by each agency's noise ordinance, land-use entities have the ability to impose additional mitigation measures and/or conditions of approval on each project in order to reduce potential short-term and long-term traffic noise impacts.

(e) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

5.9 Public Services and Facilities

5.9.1 Environmental Effect: During construction, heavy equipment, materials, and other items of value will be brought to the project site. As buildings are erected, prior to site occupancy, structures may remain unsecured and susceptible to unauthorized entry. The presence of an unsecured site and items of value could result in theft and vandalism that could increase demands upon law enforcement agencies (Public Services Impact 9-1).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Facilities) in the FEIR and that analysis is incorporated by reference herein.
(b) Since the project site is presently vacant and since no public use is authorized thereupon, the property presently places little, if any, demand upon existing police protection services. An increased demand for police service will occur during the construction phases.
(c) Provision of such services would not require construction of any new Los Angeles County Sheriff's Department (LACSD) or California Highway Patrol (CHP) facilities or necessitate the physical alteration of any existing facilities.
(d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of standard conditions of approval (Conditions of Approval 9-1 and 9-2) requiring the preparation of a construction security plan outlining the activities that will be instituted to secure the construction site from potential criminal incidents and providing the LACSD the opportunity to review and comment upon building plans and the configuration of the development.
(e) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

5.9.2 Environmental Effect: Project implementation will result in the introduction of equipment, materials, and manpower into a County-designated fire hazard area prior to the provision of water system improvements designated to respond to on-site and near-site fire hazards (Public Services Impact 9-2).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Facilities) in the FEIR and that analysis is incorporated by reference herein.
(b) The proposed project must fully comply with all applicable provisions of the "Uniform Building Code" (UBC) and "Uniform Fire Code" (UFC), as modified, and other applicable provisions of the "Los Angeles County Code" (County Code) established to address fire protection and public safety.
(c) The project is subject to compliance with the Los Angeles County Fire Department's (LACFD) "Fuel Modification Plan Guidelines for Projects Located in Fire Zone 4 or Very High Fire Hazard Severity Zone" requirements.
(d) Although none of the threshold criteria would be exceeded, the Lead Agency has

identified a number of standard conditions of approval (Conditions of Approval 9-3 through 9-5) requiring the Los Angeles County Fire Department's (LACFD) approval of fire protection program and workplace standards for fire safety, a fuel modification, landscape, and irrigation plan, a final water improvement plans, and associated building plans.

(e) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

5.9.3 Environmental Effect: The public school located closest to the project site is Castle Rock Elementary School (2975 Castle Rock Road). Construction activities could constitute an attractive nuisance to children located near or passing by the project site and construction traffic could impose a safety hazard to children and/or become disruptive to school activities and operations (Public Services Impact 9-3).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Facilities) in the FEIR and that analysis is incorporated by reference herein.

(b) Since no substantial increase in the number of new households within the general project area would be anticipated in order to accommodate the project's construction, no direct construction-related impacts on WVUSD facilities have been identified.

(d) Construction traffic accessing the site from Cold Springs Road will cross Castle Rock Road in the vicinity of Castle Rock Elementary School. Construction vehicles will transport equipment, building materials, and could discharge construction debris along streets adjacent to established residential areas, including the school, where children would be present.

(e) Construction activities may present an attractive nuisance, defined as any condition which is unsafe or unprotected and, thereby, dangerous to children and which may reasonably be expected to attract children to the property and risk injury by playing with, in, or on it.

(f) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of standard conditions of approval (Conditions of Approval 6-2, 6-3, 6-4, and 9-6) restricting construction traffic along Castle Rock Road and Pasado Drive, requiring the preparation of a construction traffic safety plan and a traffic control plan, and requiring the fencing and signage of the construction site.

(g) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

5.9.4 Environmental Effect: With a resident population of approximately 662 persons and an existing LACSD staffing ratio of one sworn officer for each 1,082 residents, in order to maintain existing staffing levels, the LACSD would need an additional 0.61 sworn deputies (Public Services Impact 9-4).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Facilities) in the FEIR and that analysis is incorporated by reference herein.
(b) Actual police protection personnel needs will be determined over time, based on that department's experience with the project's residential and commercial components, areawide incident trends, and other factors, and not derived purely through a projection of the number of on-site residents.
(c) There is no formal basis to quantify project-related law enforcement impacts, no established nexus allowing for the collection of developer impact fees for police protection services, and no direct linkage between approved development and the expansion of police resources, the purchase and new or the replacement of existing equipment, and the hiring of new sworn and non-sworn personnel.
(e) Neither the LACSD nor the CHP have not established a functional mechanism for the collection of LACSD or CHP impact fees and there exists no formal basis to quantify project-related impacts upon police protection services.
(f) Because funding for LACSD personnel, equipment, and facilities is derived through ad valorum taxation and based on yearly allocations by the County, the County has the ability to effectively respond to LACSD resource demands.
(g) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 9-2) specifying that, prior to the issuance of building permits, the LACSD review and comment upon building plans and the configuration of the development.
(h) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

5.9.5 Environmental Effect: The introduction of 202 new residential dwellings and 153,985 square feet of new commercial use will increase existing demands on LACFD facilities, equipment, and personnel, predicating an incremental need for facility expansion, the purchase of new and/or replacement equipment, and contributing to the need for addition LACFD personnel (Public Services Impact 9-5).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Facilities) in the FEIR and that analysis is incorporated by reference herein.
(b) Water service to the project site will be provided by the Walnut Valley Water District (WVWD), via existing water mains. The LACFD requires a minimum fire flow of 1,250 gallons per minute (gpm) at 20 pounds per square inch (psi) for a two-hour duration. Existing water mains are capable of delivering those minimum flows to the project site.
(c) With regards to commercial projects, the LACFD stipulates that the minimum fire flow and fire hydrant requirements shall be determined by the fire chief or fire marshal.
(d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 9-5) specifying

that, prior to the issuance of building permits, the LACFD review and approve final water improvement plans and building plans.

(e) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

5.9.6 Environmental Effect: Project implementation will increase enrollment within the Walnut Valley Unified School District by an estimated 31 new students, including approximately 11 new elementary school students (Grades K-6), 8 new junior high school students (Grades 7-9), and 12 new high school students (Grades 9-12) (Public Services Impact 9-6).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Facilities) in the FEIR and that analysis is incorporated by reference herein.

(b) For the 2009-2010 school year, Castle Rock Elementary, Evergreen Elementary Schools, and South Pointe Middle School have the available capacity to accommodate 103, 117, and 62 additional students, respectively. Although no available capacity has been identified at Diamond Bar High School (a shortfall of 80 students is projected), any excess pupil enrollment at that facility will be temporarily housed in leased portable classrooms (in space made available by reducing existing programs and in space reconstructed on existing sites) until more permanent measures can be taken.

(c) As indicated in the WVUSD's current fee justification study, based on the application of the State-approved cohort survival method, it is estimated that student enrollment within the WVUSD will decrease from 15,485 Grade K-12 students in the fall of the 2008 school year to 15,414 students in the 2011 school year, representing an increase of 75 Grade K-6 students and a decrease of 79 Grade 7-12 students. Alternatively, based on the application of the pupil per dwelling unit multiplier method, it is estimated that student enrollment will increase from 15,485 Grade K-12 students in the fall of the 2008 school year to 15,599 students in the 2016 school year, representing an increase of 49 Grade K-6 students and an increase of 50 Grade 7-12 students.

(d) The WVUSD's current fee justification study concluded that no new school sites would need to be acquired and no new school facilities would need to be constructed to accommodate projected student population projections through at least 2023.

(e) Payment of applicable fees to the WVUSD or, alternatively, execution of an Assembly Bill (AB) 2926 mitigation agreement acceptable to the WVUSD constitutes full and complete mitigation of project-related impacts on the provision of school facilities from the proposed residential development.

(f) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 9-7) specifying that, prior to the issuance of building permits, the City be provided with a certificate of compliance or other documentation demonstrating complied with the District's School Board resolutions governing the payment of school impact fees

or has entered into an AB 2926 authorized school fee mitigation agreement or is not subject to the school impact fee exaction.

(g) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

5.9.7 Environmental Effect: Project implementation will increase the resident population of the City, including the number of school-age children, incremental increasing existing spatial and resource demands placed on the Diamond Bar Public Library (Public Services Impact 9-7).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Facilities) in the FEIR and that analysis is incorporated by reference herein.

(b) The Diamond Bar Library is 9,935 gross square feet in size and houses a collection consisting of 89,446 books and other library materials.

(c) The County Library's current service level guidelines for planning purposes are a minimum of 0.50 gross square foot of library facility space per capita and 2.75 items (books and other library materials) per capita. Based on an estimated service area population of 56,233 persons, as derived from United States Census data, the Diamond Bar Library would need a 28,115 square foot facility and 154,640 items in order to meet that standard.

(d) The proposed project is projected to add about 662 new residents to the City. That population increase would create additional demand for library service and would further affect the County Library's ability to adequately serve the existing and future residents of the Diamond Bar Library's service area. Based on the County Library's service level guidelines, based on project-related demand, the Diamond Bar Library would require an additional 331 gross square feet of facility space and an additional 1,820 new items (books and other library materials).

(e) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

5.9.8 Environmental Effect: Project implementation will increase the resident population of the City of Diamond Bar and generate a projected need for 2.12 acres (approximately 92,390 square feet) of additional parkland within the City (Public Services Impact 9-8).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Facilities) in the FEIR and that analysis is incorporated by reference herein.

(b) Section 21.32.040 (Park Land Dedications and Fees) in Chapter 21.32 (Subdivisions) of the Municipal Code provides for the dedication of real property and/or the payment of in-lieu fees to the City for park and recreational purposes.

In accordance therewith, the proposed 202 dwelling units (assuming the classification of those units as multi-family dwellings) would generate a need for 2.12 acres (approximately 92,390 square feet) of additional parkland within the City.

(c) As specified in Section 21.32.040(e)(2), only the payment of fees shall be required in subdivisions of 50 parcels or less, except that when a condominium project, stock cooperative, or community apartment project exceeds 50 dwelling units, dedication of land may be required even though the number of actual parcels may be less than 50. Although the proposed development plan does not include a public recreational component, the City is authorized to require real property dedication rather or in addition to the payment of park fees.

(d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 9-8) specifying that, prior to the approval of the final subdivision map, pursuant to Section 21.32.040 (Park Land Dedications and Fees) in Chapter 21.32 (Subdivisions) of the Municipal Code, in-lieu park fees shall be paid to the City in the manner and in the amount authorized thereunder.

(e) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

5.9.9 Environmental Effect: The approval of other reasonably foreseeable future development projects within the general project area will increase existing demands on the Los Angeles County Sheriff's Department and on the Los Angeles County Fire Department, increase the number of school-aged children served by the Walnut Valley Unified School District, and increase the demand for park and recreational facilities within the City (Public Services Impact 9-9).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Facilities) in the FEIR and that analysis is incorporated by reference herein.

(b) Based on a Statewide, regional, areawide, or local assessment of need, public agencies have the ability to construct new facilities, purchase new equipment, and add personnel in response to identified demand. Local agencies have the ability to deny or condition individual development applications based on their assessment of potential project-related impacts upon law enforcement and fire protection agencies, facilities, and personnel. Public agencies have the ability to respond to those changes through increases or decreases in annual budgetary allocations provided to police and fire protection agencies, including the LACSD and LACFD.

(c) As indicated in the WVUSD's current fee justification study, based on the application of the State-approved cohort survival method, it is estimated that student enrollment within the WVUSD will decrease from 15,485 Grade K-12 students in the fall of the 2008 school year to 15,414 students in the 2011 school year, representing an increase of 75 Grade K-6 students and a decrease of 79 Grade 7-12 students. Alternatively, based on the application of the pupil per dwelling unit multiplier method, it is estimated that student enrollment will

increase from 15,485 Grade K-12 students in the fall of the 2008 school year to 15,599 students in the 2016 school year, representing an increase of 49 Grade K-6 students and an increase of 50 Grade 7-12 students.

(d) The WVUSD's current fee justification study concluded that no new school sites would need to be acquired and no new school facilities would need to be constructed to accommodate projected student population projections through at least 2023.

(e) All qualifying residential and non-residential development projects located within the WVUSD's district boundaries are required to pay school impact fees. Notwithstanding the findings of the WVUSD's fee justification analysis, the payment of applicable school impact fees or the execution of an AB 2926 mitigation agreement constitutes full and complete mitigation for project-related impacts on WVUSD facilities.

(f) In November 2007, the area's voters approved General Obligation Bond Measure S ($64.6 million Academic Facilities Measure) and Measure Y ($15.2 million Physical Education Facilities Measure). As a result of those ballot measures, WVUSD schools will receive needed repairs and upgrades.

(g) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

5.10 Utilities and Service Systems

5.10.1 Environmental Effect: Wastewater collection facilities do not presently exist on the project site and will not be available until the infrastructure improvements required to accommodate the proposed land uses are constructed (Utilities and Service Systems Impact 10-1).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative utilities and service systems impacts are addressed in Section 4.10 (Utilities and Service Systems) in the FEIR and that analysis is incorporated by reference herein.

(b) The provision of potable water and toilet facilities is required under United States Department of Labor Occupational Safety and Health Administration (OSHA) (29 CFR 1926.51) and California Department of Industrial Relations, Division of Industrial Safety (Cal/OSHA) (Section 1524-1526, CCR) standards.

(c) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no standard conditions or mitigation measures are recommended or required.

5.10.2 Environmental Effect: The project's residential and commercial components are projected to generate approximately 89,435 gallons of wastewater per day (0.09 mgd). Applying a peaking factor of 2.7, the peaked flow rate would be about 241,475 gallons of wastewater per day (0.25 mgd) (Utilities and Service Systems Impact 10-2).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative utilities and service systems impacts are addressed in Section 4.10 (Utilities and Service Systems) in the FEIR and that analysis is incorporated by reference herein.

(b) The County Sanitation Districts of Los Angeles County (CSDLAC or Districts) has formulated average wastewater generation rates for a variety of land uses. The CSDLAC projects that for "condominium" units, each unit will generate approximately 195 gallons of wastewater per day (gpd). Based on that generation rate, the project's 202 dwelling units are projected to generate approximately 39,390 gpd of wastewater or 0.04 million gallons per day (mgd).

(c) For the purpose of this analysis, a "shopping center" has been assumed. The CSDLAC's sewage generation rate for a "shopping center" is estimated to be 325 gallons/day/1,000 square feet (ft^2). Based on shopping center containing 153,985 gross leasable square feet, an estimated 50,045 gpd (0.05 mgd) of wastewater would be generated daily. When projected residential and commercial wastewater estimates are combined, approximately 89,435 gpd (0.09 mgd) of wastewater would be generated daily.

(d) Peak daily flow rates are higher than daily rates and serve as the basis for facility planning. Applying a peaking factor of 2.7, the peak flow rate would be about 241,475 gpd (0.25 mgd).

(e) The project generally gravity flows sewage toward the west portion of the property. The wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by the CSDLAC, for conveyance to the Districts No. 21 Outfall Trunk Sewer, located in Brea Canyon Road at Via Sorella. This 18-inch diameter trunk sewer has a design capacity of 12.3 mgd and conveyed a peak flow of 4.9 mgd when last measured in 2005. Assuming that peak flow rates have not changed substantially since 2005, even with the proposed project's projected contribution (0.25 mgd), sufficient capacity exists in the Districts No. 21 Outfall Truck Sewer to readily accommodate the proposed development.

(f) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 10-1) specifying that, prior to the issuance of any grading permits, a sewer area study, prepared by a licensed civil engineer registered in the State of California, be submitted to and approved by the City Engineer and the County.

(g) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions or mitigation measures are recommended or required.

5.10.3 Environmental Effect: Implementation of the proposed project and other related projects would impose cumulative impacts on those sewage collection and disposal facilities located in the general project area (Utility and Service Systems Impact 10-3).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative utilities and service systems impacts are addressed in Section 4.10 (Utilities and Service Systems) in the FEIR and that analysis is incorporated by reference herein.

(b) At the project-specific level, local agencies require project proponents to assess

the impacts of proposed projects on existing sewer facilities, on an as-needed basis. Those analyses are conducted to identify any site-specific or project-specific improvements that may be required to the local and/or CSDLAC's sewer systems that may be needed to handle increased sewage flows attributable to each project. As required, all related projects must construct any requisite local wastewater improvements needed to handle their respective flows.

(c) CSDLAC facilities are sized and improvements phased to serve population and economic development in accordance with forecasts adopted by SCAG. Projects that are consistent with SCAG growth forecasts can be adequately served by existing and planned CSDLAC facilities.

(d) In order to fund planned improvements, each new project within the County is required to pay connection fees to the CSDLAC. These fees are used to finance future expansions and upgrades to the regional trunk sewer system and wastewater treatment facilities.

(e) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no standard conditions or mitigation measures are recommended or required.

5.11 Cultural Resources

5.11.1 Environmental Effect: Construction activities can result in the irretrievable loss or damage to any prehistoric, historic, or paleontological resources that may exist within the area of proposed disturbance (Cultural Resources Impact 11-1).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative cultural resources impacts are addressed in Section 4.11 (Cultural Resources) in the FEIR and that analysis is incorporated by reference herein.

(b) Information and analysis concerning the existing cultural resources setting, including an assessment of project-related impacts, is presented in "Phase I Cultural and Paleontological Resource Assessment of the Proposed Site D Development, Los Angeles County, California" (PCR Services Corporation, January 24, 2008).

(c) No prehistoric archaeological resources have been previously recorded within one mile of the project site and no prehistoric resources were identified on the subject property during the pedestrian survey.

(d) Results of the historic aerial photograph and topographic map review revealed that a structure (HS-1) was once located within the boundaries of the project site that was associated with the historic Diamond Bar Ranch Headquarters Compound. The Compound included the residence of Frederick E. Lewis, who owned and operated the Diamond Bar Ranch. There is a moderate potential for the site to retain buried domestic or ranch maintenance components such as trash pits, privy holes, and similar features.

(e) Results of the pedestrian survey revealed the identification of a historical archaeological site, consisting of more than 15 non-native eucalyptus trees and concrete debris concentration likely associated with the former location of HS-1. The significance of that site with respect to CEQA is considered to be undetermined.

(f) Based on the potential presence of significant cultural resources impacts, a number of mitigation measures (Mitigation Measures 11-1 through 11-3) have been included in the FEIR and adopted or likely to be adopted in the MRMP requiring that, prior to the issuance of a grading permit, a qualified archaeologist be retained to monitor all vegetation removal and ground disturbance to a depth of three feet within specified areas. If cultural resources are identified during monitoring of the ground disturbing activities, the archaeologist shall temporarily divert or redirect grading or excavation activities in the vicinity of those resources in order to make an evaluation of the find and determine appropriate treatment. If human remains are encountered unexpectedly during construction excavation and grading activities, Section 7050.5 of the Health and Safety Code (HSC) requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Section 5097.98 of the PRC. Implementation of those measures will reduce identified impacts to below a level of significance.

5.11.2 Environmental Effect: Ground disturbance activities could result in impacts to on-site paleontological resources, including fossil remains, from the Puente Formation (Cultural Resources Impact 11-2).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative cultural resources impacts are addressed in Section 4.11 (Cultural Resources) in the FEIR and that analysis is incorporated by reference herein.

(b) Results of the paleontological resources records search revealed that the study area is underlain by the Puente Formation (also known as the Monterey Formation in the region), which is a formation known to contain diverse and well-preserved marine vertebrate fossils. The results of the pedestrian survey confirmed the exposure of the Puente Formation on the project site identified four fossil localities in backdirt piles from geotechnical core sampling. The project site is considered to be highly sensitive for paleontological resources.

(c) Based on the potential presence of significant cultural resources impacts, a number of mitigation measures (Mitigation Measures 11-4 through 11-8) have been included in the FEIR and adopted or likely to be adopted in the MRMP requiring that, prior to the issuance of a grading permit, a qualified paleontologist meeting the qualifications established by the Society of Vertebrate Paleontologists be retained to develop and implement a paleontological monitoring plan. A paleontological monitor, supervised by the paleontologist, shall monitor all excavations in the Puente Formation or excavations anticipated to extend into the Puente Formation. The paleontologist shall prepare a final report on the monitoring. If fossils were identified, the report shall contain an appropriate description of the fossils, treatment, and curation. A copy of the report shall be filed with the City and the Natural History Museum of Los Angeles County and shall accompany any curated fossils. Implementation of those measures will reduce identified impacts to below a level of significance.

5.11.3 Environmental Effect: Grading activities conducted on other sites located within the general project area could result in impacts to any historic or prehistoric resources that

may be located thereupon. In addition, earth-moving activities conducted on other undisturbed sites containing the Puente Formation could result in the loss of recoverable paleontological resources (Cultural Resources Impact 11-3).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative cultural resources impacts are addressed in Section 4.11 (Cultural Resources) in the FEIR and that analysis is incorporated by reference herein.
(b) All cumulative project activities remain subject to site-specific environmental review and must fully conform to and comply with all applicable local, State, and federal requirements. Compliance with those requirements will ensure that all related project-specific and cumulative impacts upon prehistoric, historic, and paleontological resources are mitigated to a less-than-significance level.
(c) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no standard conditions or mitigation measures are recommended or required.

5.12 Aesthetics

5.12.1 Environmental Effect: Excluding those areas that will be retained as open space, the project site will take on a distinctively urban physiographic character as existing vegetation is removed, construction equipment introduced onto the site, hillside areas recontoured, new uses are introduced, and other physical modifications occur (Aesthetic Impact 12-1).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative aesthetics impacts are addressed in Section 4.12 (Aesthetics) in the FEIR and that analysis is incorporated by reference herein.
(b) The proposed development will consist of three mass-graded "super pads," including one proposed commercial pad (with an area of about 10.09 acres) and two proposed residential pads (ranging in area from about 4.02 to 6.05 acres). The pads will be developed by balanced cut and fill grading. Cuts will range from less than five feet to about 40 feet high. Fill slopes will range in height from a few feet to approximately 60 feet down-slope from the upper residential pad to Diamond Bar Boulevard.
(c) City policies encourage the use of contour grading and landform grading techniques in order to create more naturalized engineered slope areas. Proposed grading activities seek to apply these contour grading principals to the proposed engineered slope areas, creating, where practical, curvilinear features that produce a visual transition between engineered and natural open space areas.
(d) Although construction is short-term in duration, it serves as precursors to the long-term visual changes that will occur as a result of those activities. During development, construction activities may appear disharmonious with the current perception of the existing property as an open-space area. At the end of the

construction term, the site will take on a distinctively urban character and shall generally be perceived as an urban use.

(e) Based on the City's interpretation and general application of the visual resource assessment methodology outlined in the Bureau of Land Management's (BLM) "Visual Resource Management Program" (BLM, 1986), construction-induced changes would be considered adverse but less than significant.

(f) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no project conditions or mitigation measures are recommended or required.

5.12.2 Environmental Effect: The project's implementation will alter the site's existing topography and necessitate the construction of numerous retaining walls (Aesthetic Impact 12-2).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative aesthetics impacts are addressed in Section 4.12 (Aesthetics) in the FEIR and that analysis is incorporated by reference herein.

(b) Variable height Loffel (Loffelstein) retaining walls, ranging from several feet to about 23 feet high, are proposed near the mid-slope of the 2:1 fill slopes between each of the super pads. Although the proposed retaining walls exceeds the height limitations specified in Sections 22.20.040, 22.22.080(b)-(c), and 22.52.020 of the Municipal Code, the proposed walls would be authorized under the provisions of the proposed specific plan.

(c) Large retaining walls, absent integrated landscaping and irrigation, can become dominant visual elements that produce a sharp contrast between retained natural features and introduced cultural modifications. All walls over eight feet in height are cribwalls designed to incorporate landscaping as an integral design element.

(d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 12-1) specifying that the specific plan include design details, acceptable to both the City Engineer and to the Community Development Director, for all proposed retaining walls. Retaining wall plans shall include landscape and irrigation details sufficient to ensure that each of those elements are, as appropriate, integrated into wall design and that the interrelationship between those elements are considered from structural integrity and aesthetic viewpoints.

(e) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

5.12.3 Environmental Effect: The introduction of new residential and commercial uses will add new sources of artificial lighting to the project site and could result in light trespass extending beyond the project boundaries (Aesthetic Impact 12-3).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative aesthetics impacts are addressed in Section 4.12 (Aesthetics) in the FEIR and that analysis is incorporated by reference herein.

(b) The Illuminating Engineering Society of North America (IESNA) has established recommended outdoor lighting illumination levels. Lighting that conform to those standards would be assumed to produce a less-than-significant impact.

(c) As defined by the IESNA and the International Darksky Association (IDA), a widely used light trespass standard specifies that an appropriate standard is to limit the exterior lighting originating on a property to a maximum of 0.5 horizontal foot candles (HFC) at a distance of 25 feet beyond the property lines.

(d) Based on the potential presence of significant aesthetic impacts, a mitigation measure (Mitigation Measure 12-1) have been included in the FEIR and adopted or likely to be adopted in the MRMP requiring that pole-mounted or wall-mounted luminaires installed for the purpose of illuminating commercial areas, parking lots, roadways, and driveways, conform to appropriate lighting standards and demonstrate that light trespass not exceed 0.5 HFC, as measured at the project boundaries abutting any existing residential use. Implementation of that measure will reduce identified impacts to below a level of significance.

5.12.4 Environmental Effect: Much of the San Gabriel Valley is already highly urbanized and the area's remaining open-space areas take on greater visual significance as a respite to the dominance of urban development (Aesthetic Impact 12-4).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative aesthetics impacts are addressed in Section 4.12 (Aesthetics) in the FEIR and that analysis is incorporated by reference herein.

(b) The City and other municipalities located within the County formulate long-range planning documents with the intent of directing development and redevelopment activities to those areas most conducive to growth, based on a variety of planning considerations. Separate formal planning and environmental review processes exist when a development proposal seeks to modify those adopted long-range plans.

(c) No development is authorized to occur in the absence of compliance with adopted agency plans and policies and in the absence of appropriate environmental review. Compliance with and conformity to adopted plans and policies helps to mitigate the potential cumulative impacts produced by the visual changes to existing landscapes associated with future development and redevelopment activities. While the further intensification of the region may constitute an adverse impact, the incremental and inevitable changes resulting from those activities would not be deemed a significant cumulative impact on the region's existing visual resources.

(c) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

5.13 Growth Inducement

5.13.1 Environmental Effect: Because the project includes both an amendment to the "City of Diamond Bar General Plan" and the adoption of a specific plan, the project may result in

on-site development activities that exceed current development assumptions and necessitate the provision of unplanned services and facilities beyond the project boundaries (Growth Inducement Impact 13-1).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative growth-inducing impacts are addressed in Section 4.13 (Growth Inducement) in the FEIR and that analysis is incorporated by reference herein.
(b) California State law requires that every city and county prepare and adopt a long-term, comprehensive general plan for its future development. The general plan serves as a "constitution for development" and the foundation upon which all land-use decisions in a city or county are to be based.
(c) Implementation of the proposed project will change existing land-use policies with regards to the allowable use of the project site, resulting in an intensification of uses within the City beyond that now envisioned in the City General Plan. Since planning for public services is, in whole or in part, based on existing and projected demands for those services, changes in public land-use policies have the potential to impose additional unplanned demands upon those services and facilities.
(d) Although the site is designated for public facilities, the public facility provider which owns the majority of the project site has declared the property to be surplus and not required for public facility use. As such, although project implementation will result in a modification to existing land-use policies, the resulting use is not anticipated to necessitate the provision of unplanned services and facilities beyond the project boundaries.
(e) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

5.13.2 Environmental Effect: (Growth Inducement Impact 13-2).

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) Project-related and cumulative growth-inducing impacts are addressed in Section 4.13 (Growth Inducement) in the FEIR and that analysis is incorporated by reference herein.
(b) The construction of 202 dwelling units and the introduction of 153,985 square feet of commercial use will increase the City's population by an estimated 662 individuals and directly create an estimated 462 new permanent jobs.
(c) The size and duration of the proposed project is not sufficient to predicate any substantial in-migration of new workers into the general project area. The project's incremental contribution to localized, regional, and national employment opportunities would not create substantial significant secondary impacts.

(d) Project implementation will, therefore, not result in the removal of economic, physical, and/or political constraints affecting either the project site or other near-site properties.

(e) With the exception of off-site traffic improvements, the project does not include the expansion of any infrastructure systems that would accommodate additional off-site development. The traffic improvements identified as mitigation measures herein serve to accommodate the proposed project, ambient growth, and other related projects.

(f) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

6.0 FINDINGS REGARDING MITIGATION REPORTING AND MONITORING PROGRAM

The City Council has adopted or will likely adopt the MRMP set forth in the FEIR. The City Council hereby finds that the MRMP meets the requirements of Section 21081.6 of CEQA and Sections 15097 and 15126.4 of the State CEQA Guidelines.

7.0 FINDINGS REGARDING PROJECT ALTERNATIVES NOT SELECTED FOR IMPLEMENTATION

The City Council recognizes that the SDSP will result in significant unavoidable environmental impacts that cannot be feasibly reduced to below a level of significance. The City Council finds that: (1) due to specified economic, legal, social, technological, and other considerations, each of the project alternatives examined in the FEIR are infeasible; (2) each of the project alternatives examined in the FEIR will not fulfill the identified project's stated objectives; and/or (3) each of the project alternatives examined in the FEIR will not feasibly result in the avoidance of any of the unmitigable significant or potentially significant environmental impacts associated with the proposed project.

7.1 Alternative No. 1 ("No Project" Alternative)

Alternative Project Description: Under this alternative no physical changes to the project site would occur, the property would be remain in its present condition, and no new development activities or other public improvements would occur thereupon. No grading or other landform modifications would occur. Maintenance activities, including weed abatement, would routinely be performed and the existing level of use would continue generally in the manner now experienced. In keeping with the general intent of this alternative, one possible variation would involve the use of a sufficient portion of the City Property to allow for the development of street improvements to the Brea Canyon Road/Diamond Bar Boulevard intersection.

Comparison of the Effects of the Alternative to the Effects of the Proposed Project: The City Council finds that the "No Project" alternative" is "environmentally superior" to the proposed project since it would, at least in the short term, result in the avoidance of those significant construction, operational, and cumulative air quality impacts associated with the proposed project.

Facts in Support of Finding: The following facts are presented in support of this finding:

(a) The City's analysis of project alternatives is presented in Section 6.0 (Alternatives Analysis) in the FEIR and that analysis is incorporated by reference herein.

(b) Under this alternative, no new housing units and no new commercial square footage would be constructed on the project site.

(c) The "no project" alternative generally reflects the conditions and associated environmental impacts that would predictably occur should the Lead Agency elect to either deny the proposed project or fail to take affirmative action on the proposed application, resulting in, at least, the short-term retention of the site in its existing condition. The denial of the current development application or the cessation of current process would, however, neither preclude the submission of a subsequent development application either by the current project proponent or another party nor ensure the site's retention as an open space area.

(d) With regards to construction air quality impacts, under the proposed project, combined emissions or reactive organic gases (ROG) were estimated at 136.02 pounds/day. Since that value exceeds the SCAQMD's recommended threshold criteria, construction impacts would be deemed to be significant. Since, under the "no project" alternative, no development would occur on the site, construction emissions would be eliminated and short-term air quality impacts would be reduced to a less-than-significant level.

(e) With regards to operational air quality impacts, the proposed project is projected to create ROG, oxides of nitrogen (NOx), and carbon dioxide (CO) emissions in excess of SCAQMD's suggested daily threshold criteria. Since, under the "no project" alternative, no development would occur on the project site, operational emissions would be eliminated and long-term air quality impacts would be reduced to a less-than-significant level.

(f) With regards to cumulative air quality impacts, independent of the Lead Agency's actions concerning the project site, related project activities will continue to incrementally contribute to regional air emissions within the SCAB. However, since site-specific contributions will not add to those conditions, cumulative air quality impacts would be deemed to be less than significant.

Effectiveness in Meeting Project Objectives: The City Council finds that the "No Project" alternative would not substantially meet the stated project objectives.

Feasibility: Although a substantial portion of the project site is owned by the District, the District has declared the District Property surplus and seeks to dispose of their real property holdings in order to raise funds for other eligible expenditures. As stipulated in the MOU between the City and the District, upon the approval of the specific plan for the development of Site D (if such approval were to occur), the "District agrees to use its best efforts to sell the School Property as entitled by the City for the fair market value, in accordance with the provisions of California Education Code commencing with Section 17455. City agrees to use its best efforts to sell the City Property for the fair market value. The parties agree to cooperatively work with each other to coordinate the sale of Site D." In the absence of public and/or private purchase of the project site for the purpose of open space preservation, there exists no mechanism to ensure the long-term preservation of the project site in an undeveloped condition. As a result, absent that participation, the "No Project" alternative is deemed to be infeasible.

7.2 Alternative No. 2 ("Public Facilities" Alternative)

Alternative Project Description: The District Property is presently designed "Public Facilities (PF)" in the General Plan. Although there exists no corresponding zoning designation which relates exclusively to public facilities, this alternative is predicated upon the geographic expansion of that General Plan designation across the entire project site and the development of the property in accordance with the declared intent of that General Plan designation. For the purpose of this alternatives analysis, under this alternative, it is assumed that the estimated developable area of the project site (20.2 acres) is developed at a floor-area-ratio of 0.25. Under this alternative, a total of 220,000 square feet of public facilities use would be developed on the project site. For the purpose of CEQA compliance, the FEIR assumed the sale of the project site to a private entity, such as a religious organization or operator of a parochial school.

Under this alternative, the project site would be developed to include a 73,000 square foot (500-student) private school and a 147,000 square foot (2,500-seat) church. A fellowship area would be developed within the sanctuary building which would be made available for public use as a banquet facility. Improvements would include a parochial school campus, including classrooms, library, and approximately 12,000 square foot (1,000-seat capacity) multi-purpose auditorium, outdoor recreational facilities, offices and administrative facilities, maintenance area, and caretaker's residence. The gymnasium would serve the private school and be available for the community for use after school hours, including after school programs administered by the Boys and Girls Club or similar organization. In addition, once operational, other on-site activities are assumed to include non-residential child-care services, family-care services, activities and uses catering to youth groups, music and drama ministries, counseling, prayer meetings, bible study, nutrition programs, homeless outreach and assistance programs, and other associated educational, job training, and community services activities. The campus would also contain 6,000 square feet of retail uses (book store).

Comparison of the Effects of the Alternative to the Effects of the Proposed Project: The City Council finds that the "Public Facilities" alternative is "environmentally superior" to the proposed project since it would result in the avoidance or substantial reduction of those significant operational air quality impacts associated with the proposed project.

Facts in Support of Findings: The following facts are presented in support of this finding:

(a) The City's analysis of project alternatives is presented in Section 6.0 (Alternatives Analysis) in the FEIR and that analysis is incorporated by reference herein.

(b) Implementation of this alternative will result in the generation of approximately 2,478 daily vehicle trips during a typical weekday, including 336 AM peak-hour trips. In comparison, the proposed project is forecast to generate approximately 9,276 daily two-way vehicle trips, including 272 trips during the weekday AM and 650 trips during the PM peak hours.

(c) Based on the nature of this alternative, trip generation characteristics would differ between weekdays and on Sunday. Based on the Sunday operation, this alternative would generate approximately 5,508 daily (Sunday) vehicle trips, including 1,412 AM peak-hour trips. In comparison, the proposed project is forecast to generate approximately 9,276 daily two-way vehicle trips, including 272 trips during the weekday AM and 650 trips during the PM peak hours.

(d) With regards to construction air quality impacts, under the proposed project, combined emissions or ROG were estimated at 136.02 pounds/day. Since this value exceeds the SCAQMD's recommended threshold criteria, construction impacts would be deemed to be significant. Although, under this alternative, on-site development activities may be reduced (220,000 square feet of public facility use as compared to 153,985 square feet of neighborhood-serving commercial use and 202 dwelling units), maximum daily construction activities would be anticipated to be similar. As a result, construction air quality impacts would be assumed to be similar to those associated with the proposed project and would remain significant.

(e) With regards to operational air quality impacts, the proposed project is projected to create ROG, NOx, and CO emissions in excess of the SCAQMD suggested daily threshold criteria. Implementation of this alternative would result in the generation of approximately 2,478 daily vehicle trips during a typical weekday (compared to 9,278 daily two-way vehicle trips associated with the proposed project), including 336 AM peak-hour trips (compared to 650 PM peak-hour trips associated with the proposed project). As a result, under this alternative, mobile source emissions would be substantially reduced. For the purpose of this alternatives analysis, it is assumed that operational air quality impacts would be reduced to a less-than-significant level.

(f) With regards to cumulative air quality impacts, related project activities, in combination with this alternative's construction and operation, would incrementally contribute to regional air emissions within the SCAB. Under the SCAQMD's recommended methodology, development activities that generate significant air quality impacts are also assumed to generate significant cumulative air quality impacts.

Effectiveness in Meeting Project Objectives: The City Council finds that the "Public Facilities" alternative would not substantially meet the stated project objectives to facilitate residential development on a minimum of 50 percent of the usable acreage, and commercial development on 50 percent of the usable acreage. Moreover, insofar as public facilities are owned and run by tax exempt entities, development pursuant to the "Public Facilities" alternatives would not only fail to provide a desirable level of sales tax revenue, but may also cause the property to be removed from the property tax rolls.

Feasibility: Excluding economic considerations which were not addressed in the FEIR, the City Council finds that the "Public Facilities" alternative is feasible.

7.3 Alternative No. 3 ("Community Commercial" Alternative)

Alternative Project Description: Under this alternative, the project site would be developed for commercial use in accordance with the "Neighborhood Commercial (C-1)" standards outlined in Chapter 22.10 (Commercial/Industrial Zoning Districts) of the Municipal Code. As specified in Section 22.10.020 (Purpose of Commercial/Industrial Zoning Districts) therein, the C-1 zoning district is applied to areas appropriate for a wide range of retail shopping and service uses, primarily intended to serve the needs of City residents. The allowable floor-area-ratio (FAR) for non-residential development shall be from 0.25 to 1.00 (Section 21.10.040). Based on a FAR of 0.35 applied to the estimated net acreage (20.2 net acres), a total of 307,969 square feet of commercial use would be developed on the project site. The site would be developed as a multi-tenant center including one or more "big-box" uses and a number of out-pads. Except as provided in

the Municipal Coe, building heights would not exceed 35 feet. On-site parking would be provided at a ratio of one space for each 300 square feet of gross floor area plus one space for each 1,000 square feet of outdoor display area (Section 22.30.030). The alternative-specific grading plan could closely replicate that associated with the SDSP.

Comparison of the Effects of the Alternative to the Effects of the Proposed Project: The City Council finds that the "Community Commercial" alternative is not "environmentally superior" to the proposed project since it would not result in the avoidance or substantial reduction of those significant construction, operational, and cumulative air quality impacts associated with the proposed project.

Facts in Support of Findings: The following facts are presented in support of this finding:

(a) The City's analysis of project alternatives is presented in Section 6.0 (Alternatives Analysis) in the FEIR and that analysis is incorporated by reference herein.

(b) With regards to construction air quality impacts, under the proposed project, combined emissions or ROG were estimated at 136.02 pounds/day. Since this value exceeds the SCAQMD's recommended threshold criteria, construction impacts would be deemed to be significant. Under this alternative, on-site development activities may be increased (307,969 square feet of neighborhood-serving commercial use as compared to 153,985 square feet of comparable commercial use and 202 dwelling units). However, because mass grading of the project site would be required to create building pads and an on-site circulation system, maximum daily construction activities would be anticipated to be similar. As a result, construction air quality impacts would be assumed to be similar to those associated with the proposed project and would remain significant.

(c) With regards to operational air quality impacts, the proposed project is projected to create ROG, NOx, and CO emissions in excess of the SCAQMD suggested daily threshold criteria. Under this alternative, the resulting retail shopping center is projected to generate substantially greater volumes of peak hour and daily vehicle trips that the proposed residential and commercial development. Notwithstanding the elimination of 202 dwelling units, the doubling of the square footage of on-site commercial uses would result in a net increase in the number of peak hour and daily vehicle trips generated under this alternative. Based on that increase in alternative-related traffic, operational air quality impacts would be projected to remain significant.

(d) With regards to cumulative air quality impacts, related project activities, in combination with this alternative's construction and operation, would incrementally contribute to regional air emissions within the SCAB. Under the SCAQMD's recommended methodology, development activities that generate significant air quality impacts are also assumed to generate significant cumulative air quality impacts.

Effectiveness in Meeting Project Objectives: The City Council finds that the "Community Commercial" alternative would not substantially meet the stated project objectives in that it would not provide for the requisite percentage of residential development.

Feasibility: Excluding economic considerations which are not addressed in the FEIR, the City Council finds that the "Community Commercial" alternative is feasible.

7.4 Alternative No. 4 ("Low-Density Residential" Alternative)

Project Description: The eastern portion of the project site is zoned "Low Density Residential (R-1-7,500)" on the City's Official Zoning Map. This alternative is predicated upon the geographic expansion of the "Low Density Residential (RL)" zoning designation within the estimated developable area of the project site (20.2 net acres) at a density of 3 dwelling units per acre. Under this alternative, a total of about 60 single-family detached and/or single-family attached units would be developed on the project site. Under this alternative, the alternative-specific grading plan could closely replicate that associated with the SDSP.

Comparison of the Effects of the Alternative to the Effects of the Proposed Project: The City Council finds that the "Low-Density Residential" alternative is "environmentally superior" to the proposed project since it would result in the avoidance or substantial reduction of those significant operational air quality impacts associated with the proposed project.

Facts in Support of Findings: The following facts are presented in support of this finding:

(a) The City's analysis of project alternatives is presented in Section 6.0 (Alternatives Analysis) in the FEIR and that analysis is incorporated by reference herein.

(b) With regards to construction air quality impacts, under the proposed project, combined emissions or ROG were estimated at 136.02 pounds/day. Since this value exceeds the SCAQMD's recommended threshold criteria, construction impacts would be deemed to be significant. Under this alternative, on-site development activities may be substantially decreased (60 dwelling units compared to 153,985 square feet of commercial use and 202 dwelling units). However, because mass grading of the project site would be required to create building pads and an on-site circulation system, maximum daily construction activities would be anticipated to be similar. As a result, construction air quality impacts would be assumed to be similar to those associated with the proposed project and would, therefore, remain significant.

(c) With regards to operational air quality impacts, the proposed project is projected to create ROG, NOx, and CO emissions in excess of the SCAQMD suggested daily threshold criteria. Residential projects generate substantially lower volumes of peak hour and daily vehicle trips that comparably sized retail shopping center projects. Similarly, although some differences exist based on the type of residential development proposed, projects with fewer dwelling units can be assumed to generate a lesser number of peak hour and daily vehicle trips that projects with a greater number of dwelling units. As a result, under this alternative, mobile source emissions would be substantially reduced. For the purpose of this alternatives analysis, it is assumed that operational air quality impacts would be reduced to a less-than-significant level.

(d) With regards to cumulative air quality impacts, related project activities, in combination with this alternative's construction and operation would incrementally contribute to regional air emissions within the SCAB. Under the SCAQMD's recommended methodology, development activities that generate significant air quality impacts are also assumed to generate significant cumulative air quality impacts.

Effectiveness in Meeting Project Objectives: The City Council finds that the "Low-Density Residential" alternative would not substantially meet the stated project objectives in that it would not provide for the requisite percentage of commercial development. Moreover, as a result of Diamond Bar's very limited land inventory, a low density alternative would not only cause the City to lose substantial ground in fulfilling its housing growth need on a site properly suited for higher density housing, but it would increase the burden on other available and potentially available (i.e. those which need to be rezoned during the current Housing Element period) sites to reach the City's RHNA targets.

Feasibility: Excluding economic considerations which are not addressed in the FEIR, the City Council finds that the "Low-Density Residential" alternative is feasible.

7.5 Alternative No. 5 ("High-Density Residential" Alternative)

Project Description: Under this alternative, the project site would be developed for residential use in accordance with the "High Density Residential" (RH)" standards outlined in Chapter 22.08 (Residential Zoning Districts) of the Municipal Code. As specified, the maximum allowable density in this district is 20 dwelling units per acre. Based on the estimated net acreage (20.2 net acres), a total of approximately 404 dwelling units could be constructed on the property. Under this alternative, the alternative-specific grading plan could closely replicate that associated with the SDSP.

Comparison of the Effects of the Alternative to the Effects of the Proposed Project: The City Council finds that the "High-Density Residential" alternative is "environmentally superior" to the proposed project since it would result in the avoidance or substantial reduction of those significant operational air quality impacts associated with the proposed project.

Facts in Support of Findings: The following facts are presented in support of this finding:

(a) The City's analysis of project alternatives is presented in Section 6.0 (Alternatives Analysis) in the FEIR and that analysis is incorporated by reference herein.

(b) As stipulated in Section 22.22.040 (Density) of the Municipal Code, the maximum number of units that may be allowed on a given parcel subject to the hillside management ordinance is calculated in compliance with specified requirements. In accordance with the City's hillside management ordinance, a maximum of 524 dwelling units can be constructed within the project area. The number of dwelling units that would be constructed under this alternative (404 units) is less than the number allowable under the City's hillside management ordinance.

(c) Implementation of this alternative will result in the generation of approximately 2,368 daily vehicle trips during a typical weekday, including 178 AM peak-hour trips and 210 PM peak-hour trips. In comparison, the proposed project is forecast to generate approximately 9,276 daily two-way vehicle trips, including 272 trips during the weekday AM and 650 trips during the PM peak hours.

(d) With regards to construction air quality impacts, under the proposed project, combined emissions or ROG were estimated at 136.02 pounds/day. Since this value exceeds the SCAQMD's recommended threshold criteria, construction impacts would be deemed to be significant. Under this alternative, on-site development activities would consist of 404 attached dwelling units, compared to

153,985 square feet of neighborhood-serving commercial use and 202 dwelling units. Because mass grading of the project site would be required to create building pads and an on-site circulation system, maximum daily construction activities would be anticipated to be similar. As a result, construction-term air quality impacts would be assumed to be similar to those associated with the proposed project and would, therefore, remain significant.

(e) With regards to operational air quality impacts, the proposed project is projected to create ROG, NOx, and CO emissions in excess of the SCAQMD suggested daily threshold criteria. Because this alternative would generate substantially lower volumes of peak hour and daily vehicle trips that associated with the proposed project, mobile source emissions would be substantially reduced. For the purpose of this alternatives analysis, it is assumed that operational air quality impacts would be reduced to a less-than-significant level.

(f) With regards to cumulative air quality impacts, related project activities, in combination with this alternative's construction and operation would incrementally contribute to regional air emissions within the SCAB. Under the SCAQMD's recommended methodology, development activities that generate significant air quality impacts are also assumed to generate significant cumulative air quality impacts.

Effectiveness in Meeting Project Objectives: The City Council finds that the "High-Density Residential" alternative would not substantially meet the stated project objectives in that it would not provide for the requisite percentage of commercial development.

Feasibility: Excluding economic considerations which are not addressed in the FEIR, the City Council finds that the "High-Density Residential" alternative is feasible.

8.0 PROJECT BENEFITS

The City Council finds the proposed project would result in a number of identifiable community benefits. Those benefits include, but may not be limited to:

(1) Adoption of the proposed SDSP will serve to define the types of permitted and conditionally permitted land uses that the City Council believes to be appropriate for the project site and for the project setting, define reasonable limits to the type, intensity, and density of those uses, and establish the design and development standards for those uses.

(2) Adoption of the proposed SDSP will serve as a valuable regulatory tool for the systematic implementation of the City's General Plan.

(3) Adoption of the proposed SDSP will impose reasonable development controls and standards designed to ensure the integrated development of the project site.

(4) The proposed project will facilitate the District's efforts to sell surplus District Property by providing a subsequent purchaser reasonable certainty as to the type, intensity, and general configuration of allowable on-site land uses.

(5) Adoption of the proposed SDSP will optimize the benefits of the District sale of surplus District property for the benefit of its constituents and its educational mission.

(6) The proposed project will result in the production of 202 new housing units within the City, thus helping the City respond to the identified housing demand outlined in the current "Regional Housing Needs Assessment" (RHNA).

(7) The construction and sale of attached residential condominium units present future homebuyers with additional purchase options and price variations allowing homebuyers to better match housing choices with household needs and demands.

(8) The creation of a mixed-use development will promote the attainment or regional jobs-to-housing ratio objectives established by regional governmental entities and produce corresponding environmental benefits.

(9) Project approval will allow for the productive use of an underutilized property in the City's General Plan, convert a tax-exempt property to a private use, and introduce a land use that will generate sales and other taxes for the benefit of the City and its constituents.

(10) Improvements to the Diamond Bar Boulevard/Brea Canyon Road intersection will improve traffic flow in and through that intersection.

(11) Payment of school impact, park, and traffic impact fees and other exactions will facilitate the ability of the City and other agencies to undertake improvements to specific public facilities.

(12) Adoption of the SDSP will further the intent of SB 375 by facilitating horizontal mixed use with pedestrian connections between the residential and commercial components. Without transit infrastructure (other than bus routes), mixed use developments can play a greater role in local efforts to reduce VMT.

9.0 STATEMENT OF OVERRIDING CONSIDERATIONS

As described above, the proposed project would produce significant unavoidable adverse impact in the following three topical areas: (1) Air Quality (Construction Impact); (2) Air Quality (Operational Impact): and (3) Air Quality (Cumulative Impact). Each of those identified significant environmental effects will continue to manifest as significant impacts notwithstanding the City Council's adoption or likely adoption of those mitigation measures identified in the FEIR.

In order to determine whether the proposed project's potential environmental impacts are acceptably overridden by the project's anticipated benefits, Section 15093 of the State CEQA Guidelines requires the City to balance the potential benefits of the proposed project against the project's potential unavoidable significant environmental impacts.

The City Council finds that the previously stated benefits outweigh the significant unavoidable adverse environmental impacts of the proposed project. Each of the separate and distinct benefits of the proposed project is determined to be, in themselves and independently of any other identified benefit, a basis for overriding all unavoidable environmental impacts, as identified in these Findings.

The City Council has identified economic and social benefits and important public policy objectives that will result from implementation of the proposed project. The City Council has sought to balance these substantial economic and social benefits against the significant unavoidable adverse environmental effects of the proposed project. Given the substantial social and economic benefits that will accrue to the City, to the District, and to the region from the implementation of the proposed project, the City Council finds that the proposed project's identified benefits override the project's identified significant environmental impacts.

Table ES-2
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Biological Resources		
5-1	Jurisdictional Features. In order to reduce impacts to United States Army Corps of Engineers and Regional Water Quality Control Board (ACOE/RWQCB) and California Department of Fish and Game (CDFG) jurisdictional waters, prior to the issuance of a grading permit, the Applicant shall demonstrate, to the satisfaction of the Community Development Director, receipt of any discretionary permits and approval as may be required from the ACOE, RWQCB, and CDFG and commit to the provision of compensatory jurisdictional resources meeting or exceeding the following minimal standards: (1) the on-site and/or off-site replacement of ACOE/RWQCB jurisdictional waters and wetlands at a 2:1 ratio; (2) the on-site and/or off-site replacement of CDFG jurisdictional streambed and associated riparian habitat at a 2:1 ratio; and (3) the incorporation of design features into the proposed project's design and development.	Community Development Director	Issuance of Grading Permits
	Traffic and Circulation		
6-1	Prior to the recordation of the final tract map, the Applicant shall provide, to the satisfaction of the City Engineer, the intersection improvements identified in the traffic impact analysis or provide a "fair-share" contribution toward the cost of the improvements to the following intersections: (1) Brea Canyon Road (W) at Pathfinder Road; (2) Diamond Bar Boulevard at Pathfinder Road; (3) Brea Canyon Road at Cold Spring Lane; (4) Diamond Bar Boulevard at Cold Spring Lane; (5) Pathfinder Road at Brea Canyon Cutoff; (6) SR-57 SB Ramps at Brea Canyon Cutoff Road; (7) SR-57 NB Ramps at Brea Canyon Cutoff/Diamond Bar Boulevard; (8) Brea Canyon Road at Diamond Bar Boulevard; (9) Cherrydale Drive at Diamond Bar Boulevard; (10) Brea Canyon Road at Silver Bullet Drive; (11) Diamond Bar Boulevard at Grand Avenue; and (12) Colima Road at Brea Canyon Cutoff.	City Engineer	Final Tract Map Recordation
6-2	The final site plan shall include and accommodate those traffic measures, improvements, and such other pertinent factors and/or facilities as may be identified by the City Engineer to ensure the safe and efficient movement of project-related traffic.	City Engineer	Site Plan Approval
	Air Quality		
7-1	All non-residential paints shall contain no more than 0.22 pound/gallon (100 gram/liter) of volatile organic compound (VOC).	Community Development Director	Building Permit Issuance
7-2	The Applicant shall abide by any other air pollution reduction measures as may be approved by the City of Diamond Bar and/or by the South Coast Air Quality Management District.		Building Permit Issuance
7-3	Traffic lane improvements and signalization, as outlined in the traffic study, shall be implemented and will generally improve local traffic flow, thereby reducing emissions created in the project area.	City Engineer	Building Permit Issuance
7-4	To encourage the use of mass transportation, the Applicant shall place bus stop shelters at any bus stops situated or to be situated along any site frontage routes if not already so equipped.		Building Permit Issuance

Exhibit B

Table ES-2 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Air Quality (Continued)		
7-5	To encourage the use of localized commercial facilities and reduce the need for vehicle travel, the Applicant shall include both bike lanes (where feasible) and bike paths between the residential and commercial development areas. Additionally, the Applicant shall provide sidewalks and walking paths to the proposed commercial areas.	City Engineer	Final Tract Map Recordation
7-6	The Applicant shall specify the installation of energy efficient lighting, air conditioning, water heaters, and appliances for all residential and commercial uses.	City Engineer	Building Permit Issuance
7-7	The Applicant shall specify the installation of energy efficient street lighting.		
	Noise		
8-1	In accordance with the Development Code, construction shall be restricted to between the hours of 7:00 AM and 8:00 PM on weekdays and Saturdays. No construction shall occur at any time on Sundays or on federal holidays. These days and hours shall also apply any servicing of equipment and to the delivery of materials to or from the site.	Building Inspector	Construction Term
8-2	All construction equipment shall be properly maintained and tuned to minimize noise emissions.	Building Inspector	Construction Term
8-3	All equipment shall be fitted with properly operating mufflers, air intake silencers, and engine shrouds no less effective than originally equipped.	Building Inspector	Construction Term
8-4	The construction contractor shall place temporary noise barriers along the site perimeter when doing any work within 100 feet of any residential units. Such barriers shall attempt to block the line of sight between the residents and construction equipment.	Building Inspector	Construction Term
8-5	The construction contractor shall specify the use of electric stationary equipment (e.g., compressors) that can operate off the power grid where feasible. Where infeasible, stationary noise sources (e.g., generators and compressors) shall be located as far from residential receptor locations as is feasible.	City Engineer	Building Permit Issuance
8-6	Construction shall be subject to any and all provisions set forth by the City of Diamond Bar Planning Department.	Planning Manager	Building Permit Issuance
8-7	No residential units shall be located within 830 feet of the SR-57 Freeway's nearest travel lane unless additional sound attention is provided to the satisfaction of the Community Development Director.	Community Development Director	Final Tract Map Recordation
8-8	No commercial units shall be located within 60 feet of the centerline of Diamond Bar Boulevard.		Building Permit Issuance

Table ES-2 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Noise (Continued)		
8-9	No residential units shall be located within 130 feet of the centerline of Diamond Bar Boulevard unless additional sound attention is provided to the satisfaction of the Community Development Director.	Community Development Director	Final Tract Map Recordation
	Cultural Resources		
11-1	Prior to the issuance of a grading permit, a qualified archaeologist shall be retained by the Applicant and approved by the City to monitor all vegetation removal and ground disturbance to a depth of three feet within the following portions of the study area: (1) the boundary of SD-Cultural-1; (2) the open valley floor adjacent to SD-Cultural-1; and (3) the riparian areas that were not previously surveyed due to dense vegetation cover. The archaeologist will determine if additional monitoring below the depth of three feet is warranted based on soil and bedrock conditions and presence/absence of archaeological materials. No archaeological monitoring is required for ground disturbing activities outside of these monitor areas.	Community Development Director and City Engineer	Issuance of Grading Permits
11-2	If cultural resources are identified during monitoring of the ground disturbing activities, the archaeologist shall be allowed to temporarily divert or redirect grading or excavation activities in the vicinity of those resources in order to make an evaluation of the find and determine appropriate treatment. Treatment will include the goals of preservation where practicable and public interpretation of historic and archaeological resources. All cultural resources recovered will be documented on California Department of Parks and Recreation Site Forms to be filed with the CHRIS-SCCIC. The archaeologist shall prepare a final report about the monitoring to be filed with the Applicant, the City, and the California Historical Resources Information System South Central Coastal Information Center at the California State University, Fullerton (CHRIS-SCCIC), as required by the California Office of Historic Preservation. The report shall include documentation and interpretation of resources recovered, if any. Interpretation will include full evaluation of the eligibility of SD-Cultural-1 with respect to the California Register of Historic Places and CEQA. The report shall also include all specialists' reports as appendices. The City shall designate repositories in the event that significant resources are recovered. If cultural resources are identified during ground disturbing activities that occur outside the designated monitoring area, ground disturbing activities shall be temporarily redirected away from the vicinity of the find until the retained archaeologist is notified by the Applicant. The archaeologist shall coordinate with the Applicant as to the immediate treatment of the find until a proper site visit and evaluation is made by the archaeologist.	Building Inspector	Construction Term
11-3	If human remains are encountered unexpectedly during construction excavation and grading activities, Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Section 5097.98 of the Public Resources Code. If the remains are determined to be of Native American descent, the County Coroner has 24 hours to notify the California Native American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent of the deceased Native American, who will then help determine what course of action should be taken in dealing with the remains.	Building Inspector	Construction Term

Table ES-2 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Cultural Resources (Continued)		
11-4	Prior to the issuance of a grading permit, a qualified paleontologist meeting the qualifications established by the Society of Vertebrate Paleontologists shall be retained by the Applicant and approved by the City to develop and implement a paleontological monitoring plan. Development of the monitoring plan shall include a site visit by the paleontologist prior to initiation of project development in order to determine or delineate sensitive areas. The paleontologist may also perform collections of fossils from the surface and near-surface.	Community Development Director	Issuance of Grading Permits
11-5	The paleontologist shall attend a pre-grade meeting in order to become familiar with the proposed depths and patterns of grading of the study area.	City Engineer	Issuance of Grading Permits
11-6	The paleontologist shall establish a curation agreement with an accredited facility prior to grading permit issuance.	City Engineer	Issuance of Grading Permits
11-7	A paleontological monitor, supervised by the paleontologist, shall monitor all excavations in the Puente Formation or excavations anticipated to extend into the Puente Formation. If fossils are found during ground-disturbing activities, the paleontological monitor shall be empowered to halt the ground-disturbing activities within 25 feet of the find in order to allow evaluation of the find and determination of appropriate treatment.	Building Inspector	Construction Term
11-8	The paleontologist shall prepare a final report on the monitoring. If fossils were identified, the report shall contain an appropriate description of the fossils, treatment, and curation. A copy of the report shall be filed with the City and the Natural History Museum of Los Angeles County and shall accompany any curated fossils.	Community Development Director	Grading Sign-Off
	Aesthetics		
12-1	Pole-mounted or wall-mounted luminaires installed for the purpose of illuminating commercial areas, parking lots, roadways, and driveways shall conform to appropriate lighting standards and demonstrate that light trespass not exceed 0.5 horizontal foot candle, as measured at the project boundaries abutting any existing residential use. These standards shall not be applied to any adjoining public streets or other non-light-sensitive land uses.	Community Development Director	Building Permit Issuance

Attachment 2

PLANNING COMMISSION
RESOLUTION NO. 2010-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DIAMOND BAR, CALIFORNIA, RECOMMENDING TO CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENT NO. 2007-03 AND ZONE CHANGE NO. 2007-04 FOR PROPERY COMPRISED OF APPROXIMATELY 30.36 ACRE LOCATED AT THE SOUTHEAST CORNER OF BREA CANYON ROAD AND DIAMOND BAR BOULEVARD, DIAMOND BAR, CALIFORNIA (ASSESSORS PARCEL NUMBERS 8714-002-900, 8714-002-901, 8714-002-902, 8714-002-903 and 8714-015-001).

A. RECITALS

1. On July 1, 2007, the property owner/co-applicant, Walnut Valley School District, and property owner/co-applicant/lead agency, City of Diamond Bar, executed a Memorandum of Understanding whereby the parties agreed to collaborate in the planning of the future land use for the approximately 30.36-acre parcel property located at the southeast corner of Brea Canyon Road and Diamond Bar Boulevard, City of Diamond Bar, County of Los Angeles, California so that both parties may each advance their respective objectives for the disposition of the property;

2. The following approvals are requested to the City Council:

   (a) General Plan Amendment No. 2007-03 to change the land use designations from Public Facility (PF) and General Commercial (C) to Specific Plan (SP);

   (b) Zone Change No. 2007-04 to change the zoning districts from Low Density Residential (RL), Low/Medium Density Residential (RLM), and Neighborhood Commercial (C-1) to Specific Plan;

   (c) Specific Plan No. 2007-01 to adopt the Site D Specific Plan for the approximately 30.36 acre site to facilitate the development of a maximum of 202 residential; 153,985 gross sq. ft. of commercial; and approximately 10.16 acres of open space areas, easements, and rights-of-way;

   (d) Tentative Tract Map No. 70687 to establish separate residential, commercial, and open space parcels; create an internal circulation

system and common open space areas; and establish easements and other rights-of-way for utility and other purposes; and

(e) Environmental Impact Report 2007-02 to certify the Final EIR, which provides a detailed analysis of potential environmental impacts associated with the development of the Specific Plan area.

3. In accordance to the provisions of the California Environmental Quality Act (CEQA), Section 15168 et seq., an Environmental Impact Report (EIR) has been prepared for the project which found that the proposed project may have remaining significant impacts that requires adoption of "Findings of Facts and Statement of Overriding Considerations." Per CEQA Guidelines Section 15090, the EIR is being reviewed concurrently with the approval of the General Plan Amendment No. 2007-03 and Zone Change No. 2007-04 and must be certified by the City Council before project approval;

4. In accordance with CEQA Guidelines Sections 15090 through 15093, a resolution recommending certification of the EIR, adoption of a mitigation reporting and monitoring program, and adoption of "Findings of Facts and Statement of Overriding Considerations" to the City Council for the project is being reviewed by the Planning Commission concurrently with this resolution;

5. The approval of Specific Plan No. 2007-01 (Site D Specific Plan) that is being reviewed concurrently with this project, includes a land use plan that divides the property into three sub-planning areas (Residential, Commercial, and Open Space/Circulation) and includes standards and guidelines for future development of the specific plan site;

6. Notification of the public hearing for this project was published in the San Gabriel Valley Tribune and the Inland Valley Daily Bulletin newspapers on April 2, 2010. Public hearing notices were mailed to property owners within a 1,000-foot radius of the project site and public notices were posted at the City's designated community posting sites. In addition to the published and mailed notices, the project site was posted with a display board and the notice was posted at three other locations within the project vicinity;

7. On April 13, April 27, and May 11, 2010, the Planning Commission of the City of Diamond Bar conducted a duly noticed public hearing, solicited testimony from all interested individuals, and concluded said hearing on that date;

8. The Planning Commission has determined that the proposed General Plan Amendment and Zone Change represents a consistent, logical,

appropriate and rational land use designation and implementing tool that furthers the goals and objectives of the City General Plan; and

9. The documents and materials constituting the administrative record of the proceedings upon which the City's decision is based are located at the City of Diamond Bar, Community Development Department, Planning Division, 21825 Copley Drive, Diamond Bar, CA 91765.

B. RESOLUTION

NOW, THEREFORE, it is found, determined and resolved by the Planning Commission of the City of Diamond Bar as follows:

1. The Planning Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct;

2. Based on the findings and conclusions set forth herein, the Planning Commission hereby finds and recommends as follows:

   a. City Council approval of a General Plan Amendment No. 2007-03 for the Site D Specific Plan based on the following finding, as required by Section 22.70.050 of the Municipal Code and in conformance with California Government Code Section 65358:

      The amendment to the General Plan is internally consistent with the adopted goals and policies of the City and is in the public interest. General Plan Amendment No. 2007-03 will permit residential and commercial, rather than public facility, in an area adjacent to an existing residential and commercial development. The General Plan Amendment promotes the following:

      - Land Use Element Vision Statement states: It is the overall goal of the land use element to ensure that the land uses and development decisions of Diamond Bar maintain and enhance the quality of life for its residents. Goal 1 states: Consistent with the Vision Statement, maintain a mix of land uses which enhance the quality of life of Diamond Bar residents, providing a balance of development and preservation of significant open space areas to assure both economic viability and retention of distinctive natural features of the community.

        The Site D Specific Plan is a mixed use development that provides quality higher-density residential housing within proximity to a neighborhood-retail center, and open space. The

Site D Specific Plan also incorporates physical design elements that reflect the unique topographical characteristics of Diamond Bar through the creation of a landform grading design that emulates natural topographic contours and undulations, and incorporates native woodland species indigenous to the site.

- Land Use Element – Goal 2 states: Manage land use with respect to the location, density and intensity, and quality of development. Maintain consistency with the capabilities of the City and special districts to provide essential services which achieve sustainable use of environment and manmade resources.

  The Site D Specific Plan project is located at the corner of a major and a secondary arterial in the Diamond Bar area identified by the City's General Plan as a prime location for mixed-use development. This Specific Plan document will guide the build-out of Site D in a manner which is consistent with City and State policies and standards and assures that the project is developed in a coordinated manner.

- Land Use Element - Goal 3 states: Maintain recognition within Diamond Bar and the surrounding regions as being a community with a well planned and aesthetically pleasing physical environment.

  The Site D Specific Plan is consistent with the needs of the Diamond Bar community by offering housing and employment opportunities in an integrated, aesthetically pleasing, mixed-use development. Additionally, the commercial-retail facilities will provide service to both residents of the City of Diamond Bar and surrounding regions.

- Land Use Element – Goal 4 states: Encourage long-term and regional perspectives in local land use decisions, but not at the expense of the quality of life for Diamond Bar residents.

  The Site D Specific Plan sets the precedent for a new and vibrant mixed-use development in the City of Diamond Bar. Interweaving higher-density residential housing with a centrally located commercial-retail center, and open space, will allow Site D to be a quality mixed-use development that will positively contribute to the City of Diamond Bar.

- Housing Element Vision Statement states: It is the overall goal of the housing plan that there is adequate housing in the City,

both in quality and quantity, to provide appropriate shelter for all without discrimination. Goal 1 states: Consistent with the Vision Statement, preserve and conserve the existing housing stock and maintain property values and residents' quality of life.

The residential component of the Site D Specific Plan proposes up to 202 high-quality residential units to help fulfill Diamond Bar's portion of the region's housing needs. The criteria for residential development incorporate an internal circulation system that is not reliant on those of the surrounding residential neighborhoods, and ensure that new residential community will coexist harmoniously with the adjoining, established neighborhoods.

- Housing Element – Goal 2 states: Provide opportunities for development of suitable housing to meet the diverse needs of existing and future residents.

  The higher-density residential housing of Site D project area meets the fiscal and culturally diverse needs of both future and existing City of Diamond Bar residents by offering an alternative to the predominantly detached single-family residential market largely found in the City of Diamond Bar.

- Housing Element – Goal 5 states: Encourage equal and fair housing opportunities for all economic segment of the community.

  The Site D Specific Plan will provide higher-density residential uses in the form of attached housing, which can accommodate various economic segments of the Diamond Bar community and its residents by supporting the variation in character of the Diamond Bar housing stock.

- Resource Management Element Vision Statement states: It is the overall goal of the resource management element to provide and maintain adequate open spaces in the City to serve the diverse recreational needs of its residents, while fostering the wise use of limited natural resources. Goal 1 states: Create and maintain an open space system which will preserve scenic beauty, protect important biological resources, provide open space for outdoor recreation and the enjoyment of nature, conserve natural resources, and protect public health and safety.

The Site D Specific Plan preserves approximately 8.0 acres of 30.36 acres as open space, which includes vegetated slopes, residential amenities, and pedestrian pathways.

- Public Health and Safety Element Vision Statement states: It is the overall goal of the plan to provide a safe and healthy environment for the residents of Diamond Bar. Goal 1 states: Create a secure public environment which minimizes potential

  loss of life and property damage, as well as social, economic, or environmental disruption resulting from natural and manmade disasters.

  The Site D Specific Plan will provide a safe and secure environment for City residents by promoting the policies and ideals particular to the City of Diamond Bar. Specific standards are included in the Site D Specific Plan regulating development within the project area, which will minimize potential loss of life and property damage. Additionally, each stage of development permitted by this Specific Plan will adequately provide vehicular access, public facilities, and infrastructure for public health and safety.

- Circulation Element Vision Statement states: It is the overall goal of the plan to provide a safe, adequate and environmentally sensitive transportation system to meet the circulation needs of the citizens of Diamond Bar. Goal 1 states: Enhance the environment of the City's street network. Work toward improving the problems presented by intrusion of regionally oriented commuter traffic through the City and into residential neighborhoods. Consider programs to reinforce the regional transportation and circulation system to adequately accommodate regional needs.

  The Site D Specific Plan's improvement of interior roadways and circulation will ensure safe, direct, and convenient vehicular and pedestrian access to and through the project's various land uses. Because the site is bordered by existing and improved roadways (Diamond Bar Boulevard and Brea Canyon Road), no major exterior roadway modifications will be developed by this Specific Plan. To the extent possible, existing lane configurations and right-of-way improvements on exterior project roadways will be retained. However, minor landscape and parkway improvements shall be provided along these roadways as well as additional strategically placed entrances,

which will make Site D project area an easily accessible location for residents of the City of Diamond Bar.

- Circulation Element – Goal 2 states: Provide a balanced transportation system for the safe and efficient movement of people, goods, and services through the City.

  The Site D Specific Plan will contain a strong internal circulation network that will serve to provide direct and efficient access to the site. While the automobile will be the predominant form of travel, the Site D Specific Plan recognizes the importance of alternative modes of transportation. A convenient and easily accessible transit system becomes an essential element of a mixed-use development such as Site D. Bus stops are located adjacent to Site D and facilitate alternative modes of transportation. Transit is expected to be provided by the Metropolitan Transit Authority (MTA), Foothill Transit, and the City's fixed-route transportation system.

- Circulation Element – Goal 3 states: Maintain an adequate level of service on area roadways.

  The Environmental Impact Report associated with the development of the Site D Specific Plan includes an analysis of project area roadways and existing and build-out levels of service. Appropriate mitigation measures shall be provided if area roadways are found to be operating under the required level of service as a result of the Site D development.

- Circulation Element – Goal 4 states: Provide or regulate the provision of the supply of parking to meeting the needs for both residents and commercial businesses.

  The Site D Specific Plan mixed-use development will be consistent with Chapter 22.30, Off-Street Parking of the Diamond Bar Municipal Code.

- Public Services and Facilities Element Vision Statement states: It is the overall goal of the plan that the City acquire and maintain adequate resources to meet the needs of its resident. Goal 1 states: Provide adequate infrastructure facilities and public services to support development and planned growth.

  Public services and utilities, including water, sewer, gas, electricity, telephone, and cable will be extended into the Specific Plan area to support the Site D development.

- Public Services and Facilities Element – Goal 2 states: Achieve a fiscally solvent, financially stable community.

  The Site D Specific Plan area will contain a high-quality, mixed-use development, composed of commercial-retail, higher-density residential, and open space land uses. The provision of residential uses on-site creates an immediate market for retail and service uses, thereby enhancing the potential for establishing a successful mixed-use master planned

  development. Additionally, Site D Specific Plan will provide housing and job opportunities to the City of Diamond Bar residents, which will generate property and sales taxes that can be used for improvement of public services and facilities. Due to the project's convenient location and site planning, Site D presents an economically viable plan that is good for the City of Diamond Bar and its residents.

  The proposed General Plan Amendment is consistent with all of these goals. Therefore, the General Plan Amendment is consistent with City policies and is in the public interest;

b. City Council approval of Zone Change No. 2007-04 for the Site D Specific Plan based on the following finding, as required by Section 22.70.050 of the Municipal Code and in conformance with California Government Code Sections 65853 and 65860:

   The amendment to the Zoning Map is internally consistent with the General Plan and the adopted goals and policies of the City. The Zoning Map does not presently reflect the General Plan designation for the property. Zone Change No. 2007-04 will place the City's Zoning Map in conformance with the General Plan by designating the Property as SP (Specific Plan), with sub-areas corresponding to those in the Site D Specific Plan. The existing approximate 30.36 acres located at the southeast corner of Brea Canyon Road and Diamond Bar Boulevard (Assessors Parcel Numbers 8714-002-900, 8714-002-901, 8714-002-902, 8714-002-903, and 8714-015-001) shall have a zoning designation of SP – Specific Plan.

The Planning Commission shall:

(a) Certify to the adoption of this Resolution; and

(b) Forthwith transmit a certified copy of this Resolution, by certified mail, to: Walnut Valley Unified School District, 880 South Lemon Avenue, Walnut, CA 91789.

APPROVED AND ADOPTED THIS 11th DAY OF MAY 2010, BY THE PLANNING COMMISSION OF THE CITY OF DIAMOND BAR.

By: _____
Tony Torng, Chairman

I, Greg Gubman, Planning Commission Secretary, do hereby certify that the foregoing Resolution was duly introduced, passed, and adopted, at a regular meeting of the Planning Commission held on the 11th day of May, 2010, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

ATTEST: _____
Greg Gubman, Secretary

Attachment 3

PLANNING COMMISSION
RESOLUTION NO. 2010-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DIAMOND BAR, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE TENTATIVE TRACT MAP NO. 70687 AND SPECIFIC PLAN NO. 2007-01 FOR SUBDIVISION OF 30.36 ACRE SITE FOR RESIDENTIAL AND COMMERCIAL PURPOSES AND ADOPTION OF THE SITE D SPECIFIC PLAN FOR DEVELOPMENT OF THE SITE WITH 202-UNIT RESIDENTIAL UNITS AND 153,985 GROSS SQ. FT. OF COMMERCIAL USE ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF BREA CANYON ROAD AND DIAMOND BAR BOULEVARD, DIAMOND BAR, CALIFORNIA (APN 8714-002-900, 8714-002-903, and 8714-045-001).

A. RECITALS

1. On July 1, 2007, the property owner/co-applicant, Walnut Valley School District, and property owner/co-applicant/lead agency, City of Diamond Bar, executed a Memorandum of Understanding whereby the parties agreed to collaborate in the planning of the future land use for the approximately 30.36-acre parcel property located at the southeast corner of Brea Canyon Road and Diamond Bar Boulevard, Diamond Bar, County of Los Angeles, California so that both parties may each advance their respective objectives for the disposition of the property;

2. The Application is being reviewed by the Planning Commission concurrently with General Plan Amendment No. 2007-03, Zone Change No. 2007-04, and Environmental Impact Report No. 2007-02 (SCH No. 2008021014);

3. In accordance to the provisions of the California Environmental Quality Act (CEQA), Section 15168 et seq., an Environmental Impact Report (EIR) has been prepared for the project which found that the proposed project may have remaining significant impacts that requires adoption of "Findings of Facts and Statement of Overriding Considerations." Per CEQA Guidelines Section 15090, the EIR is being reviewed concurrently with the approval of the General Plan Amendment No. 2007-03 and Zone Change No. 2007-04 and must be certified by the City Council before project approval;

4. In accordance with CEQA Guidelines Sections 15090 through 15093, a resolution recommending certification of the EIR, adoption of a mitigation reporting and monitoring program, and adoption of "Findings of Facts and Statement of Overriding Considerations" to the City Council for the project is being reviewed by the Planning Commission concurrently with this resolution;

5. The approval of Specific Plan No. 2007-01 (Site D Specific Plan) that is being reviewed concurrently with this application, includes a land use plan that divides the property into three sub-planning areas (Residential, Commercial, and Open Space/Circulation) and includes standards and guidelines for future development of the specific plan site;

6. The following approvals are requested to the City Council:

   (a) General Plan Amendment No. 2007-03 to change the land use designations from Public Facility (PF) and General Commercial (C) to Specific Plan (SP);

   (b) Zone Change No. 2007-04 to change the zoning districts from Low Density Residential (RL), Low/Medium Density Residential (RLM), and Neighborhood Commercial (C-1) to Specific Plan;

   (c) Specific Plan No. 2007-01 to adopt the Site D Specific Plan for the approximately 30.36 acre site to facilitate the development of a maximum of 202 residential; 153,985 gross sq. ft. of commercial; and approximately 10.16 acres of open space areas, easements, and rights-of-way;

   (d) Tentative Tract Map No. 70687 to establish separate residential, commercial, and open space parcels; create an internal circulation system and common open space areas; and establish easements and other right-of-way for utility and other purposes; and

   (e) Environmental Impact Report 2007-02 to certify the Final EIR, which provides a detailed analysis of potential environmental impacts associated with the development of the Specific Plan area.

7. Notification of the public hearing for this project was published in the San Gabriel Valley Tribune and the Inland Valley Daily Bulletin newspapers on April 2, 2010. Public hearing notices were mailed to property owners within a 1,000-foot radius of the project site and public notices were posted at the City's designated community posting sites. In addition to the published and mailed notices, the project site was posted with a display board and the notice was posted at three other locations within the project vicinity;

8. On April 13, April 27, and May 11, 2010, the Planning Commission of the City of Diamond Bar conducted a duly noticed public hearing, solicited testimony from all interested individuals, and concluded said hearing on that date; and

9. The documents and materials constituting the administrative record of the proceedings upon which the City's decision is based are located at the City of Diamond Bar, Community Development Department, Planning Division, 21825 Copley Drive, Diamond Bar, CA 91765.

B. RESOLUTION

NOW, THEREFORE, it is found, determined and resolved by the Planning Commission of the City of Diamond Bar as follows:

1. The Planning Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct;

2. In accordance to the provisions of the California Environmental Quality Act (CEQA), Section 15168 et seq., an Environmental Impact Report (EIR) has been prepared for the project which found that the proposed project may have remaining significant impacts that requires adoption of "Findings of Facts and Statement of Overriding Considerations." Per CEQA Guidelines Section 15090, the EIR is being reviewed concurrently with the approval of the General Plan Amendment No. 2007-03 and Zone Change No. 2007-04 and must be certified by the City Council before project approval;

3. The Planning Commission hereby specifically finds and determines that, having considered the record as a whole including the findings set forth below, and changes and alterations which have been incorporated into and conditioned upon the proposed project set forth in the application, there is no evidence before this Planning Commission that the project proposed herein will have the potential of an adverse effect on wild life resources or the habitat upon which the wildlife depends. Based upon substantial evidence, this Planning Commission hereby rebuts the presumption of adverse effects contained in Section 753.5(d) of Title 14 of the California Code of Regulations;

4. Based on the findings and conclusions set forth herein, the Planning Commission hereby finds and recommends as follows:

   a. The Site D Specific Plan is to allow vacant land comprised of approximately 30.36 acres located at the southeast corner of Brea Canyon Road and Diamond Bar Boulevard (Assessors Parcel Number 8714-002-900, 8714-002-901, 8714-002-902, 8714-002-903 and 8714-015-001) with 202 residential dwelling units; 153,985 gross sq. ft. of commercial use; and approximately 10.16 acres of open space areas, easements, and rights-of-way;

   b. The current General Plan land use designations for the site include Public Facility (PF) and General Commercial (C). General Plan Amendment No. 2007-03 being considered concurrently with this application proposes to change the land use designation for the site to Specific Plan. With approval of the General Plan Amendment, the Application will be consistent with the General Plan land use designation;

   c. The project site is within the Low Density Residential (RL), Low/Medium Density Residential (RLM), and Neighborhood Commercial (C-1). Zone Change No. 2007-04 is being reviewed concurrently with the Application that requests that the City

Council approve the zone change from the current zoning to Specific Plan for General Plan compliance;

d. The project site is generally surrounded by single-family homes to the north, south, and west, and a gas station and professional office buildings to the east. The site is bordered on the north by Diamond Bar Boulevard, and Brea Canyon Road to the west. The Brea Canyon Flood Control Channel runs roughly parallel to Brea Canyon Road and cuts through the western portion of the property.

e. The application involves a request for the following: Adoption of the Site D Specific Plan for development of the site with 202 residential dwelling units; 153,985 gross sq. ft. of commercial use; and approximately 10.16 acres of open space areas, easements, and rights-of-way.

Tentative Map Findings: Pursuant to Subdivision Code Section 21.20.080 of the City's Subdivision Ordinance, the Planning Commission recommends that the City Council make the following findings:

f. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan and any applicable specific plan;

The proposed project involves the subdivision of the site with 202 residential units; 153,985 gross sq. ft. of commercial use; and approximately 10.16 acres of open space areas, easements, and rights-of-ways. The General Plan land use designations for the site include Public Facility (PF) and General Commercial (C). General Plan Amendment No. 2007-03 being considered concurrently with this application proposes to change the land use designation for the site to Specific Plan. With approval of the General Plan Amendment, the Application will be consistent with the General Plan land use designation.

The proposed subdivision is consistent with the concurrently proposed Site D Specific Plan document, as conditioned.

g. The site is physically suitable for the type and proposed density of development;

The proposed subdivision will be consistent with the amended General Plan land use designation that is being considered concurrently with the application. The proposed land use designation will be Specific Plan that will allow for the development of 202 residential dwelling units; 153,985 gross sq. ft. of commercial use; and approximately 10.16 acres of open space areas, easements, and rights-of-way. The buildings will have minimum setbacks requiring 15 feet from Diamond Bar Boulevard and Brea Canyon Road, 85 feet from the southerly property line (which abut residential), and 30 feet from the easterly edge. Visual analysis was

performed to understand how the building massing of both commercial and residential would look from the street. This analysis led the City to expand some of the building setbacks.

Additionally, the EIR prepared for TTM No. 70687 reviewed the map's suitability for the project site, access, circulation, grading, aesthetics, land use, etc. The review concluded that the proposed subdivision would not have a significant effect on the environment and/or with the incorporation of mitigation measures would be reduced to a level of less than significant.

h. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or injure fish or wildlife or their habitat;

Pursuant to the provisions of the California Environmental Quality Act (CEQA) Section 15168 et seq., and Environmental Impact Report (EIR) has been prepared for the application and found that the proposed project may have remaining significant impact that requires the adoption of "Findings of Facts and Statement of Overriding Considerations." Per CEQA Guidelines Sections 15090, the EIR is being reviewed concurrently with the Application and will be certified by the City Council before Application approval.

i. The design of the subdivision or type of improvements will not cause serious public health or safety problems;

The proposed subdivision will create three elevated building pads (one commercial and two residential). The grading will be constructed, operated, and maintained in accordance with the recommendations contained in the preliminary geotechnical investigation to assure that geotechnical stability is maintained or increased. Detailed drainage and hydrology studies will be completed, including the potential for debris flows, and the proposed conditions and mitigation measures will likely prevent any significant increases in erosion and flood hazards. The development will also have traffic improvements to mitigate existing plus project traffic conditions and cumulative traffic impacts.

j. The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision.

The site does not have any access easements on-site.

k. The discharge of sewage from the proposed subdivision into the community sewer system would not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board;

The proposed subdivision has been analyzed under the Environmental Impact Report and was not found to violate any requirement of the California Regional Water Quality Control Board. To reduce water quality impacts to a level less than significant, the proposed subdivision is required to comply with mitigation measures that include compliance with the California Regional Water Quality Control Board, Federal Clean Water Act, and the National Pollutant Discharge Elimination System (NPDES) program, implementing construction-related Best Management Practices (BMP's) and Standard Urban Stormwater Mitigation Plan (SUSMP) criteria. With project design features related to the storm drain system, conditions of approval and mitigation measures, potentially significant water quality impacts would be reduced to a levels less than significant.

l. A preliminary soils report or geologic hazard report does not indicate adverse soil or geologic conditions; and

The grading will be constructed, operated, and maintained in accordance with the recommendations contained in the preliminary geotechnical investigation to assure that geotechnical stability is maintained or increased.

m. The proposed subdivision is consistent with all applicable provisions of the City's subdivision ordinance, the development code, and the subdivision map act.

The proposed subdivision is consistent with the concurrently proposed Site D Specific Plan and will be required to comply with the City's subdivision ordinance, subdivision map act, and applicable development code.

Specific Plan Findings: Pursuant to Development Code Section 22.60 of the City's Municipal Code and California Government Code Section 65451, the Planning Commission recommends that the City Council make the following findings:

n. Shows the distribution, location and extent of the land uses proposed within the area covered by the specific plan, including open space areas;

The Site D Specific Plan document contains plans showing the distribution, location and extent of the uses of land, including open space areas.

o. Shows the proposed distribution, location, extent and intensity of major components of public and private drainage, energy, sewage, solid waste disposal, circulation/transportation, water and other essential facilities proposed to be located within the specific plan area and needed to support the proposed land uses;

The Site D Specific Plan includes the proposed distribution, location, extent and intensity of major components of public and private transportation and all other essential facilities will be reviewed upon submittal of a development proposal.

p. Includes standards, criteria and guidelines by which development will proceed, and standards for conservation, development and utilization of natural resources, where applicable;

The Site D Specific Plan includes standards, criteria and guidelines by which development will proceed, and standards for conservation, development and utilization of natural resources.

q. Includes a program of implementation measures, including regulations, programs, public works and financing measures necessary to carry out the proposed land uses, infrastructure and development and conservation standards and criteria; and

The Site D Specific Plan includes a program of implementation measures, including regulations necessary to carry out the proposed land uses, infrastructure and development and conservation standards and criteria.

r. Includes a discussion of the relationship of the specific plan to the general plan.

The Site D Specific Plan includes a statement attesting to the consistency of the specific plan with the City's General Plan.

5. Based on the findings and conclusions set forth herein, the Planning Commission hereby finds and recommends that the City Council approve Specific Plan No. 2007-01 and Tentative Tract Map No. 70687, subject to the following conditions, the attached Conditions of Approval and the Mitigation Reporting and Monitoring Program:

a. <u>GENERAL</u>

1. This approval for Site D Specific Plan and Tentative Tract Map No. 70687 shall be null and void and of no effect unless the EIR (SCH #2008021014) is certified, the Mitigation Reporting and Monitoring Program, Facts and Findings and Statement of Overriding Considerations are adopted, and General Plan Amendment No. 2007-03 and Zone Change No. 2007-04 are approved;

2. The development shall comply with the Mitigation Reporting and Monitoring Program for EIR (SCH #2008021014). A copy is attached hereto and referenced herein; and

3. The development shall comply with the Conditions of Approval/Performance Standards in the Site D Specific Plan. A copy is attached hereto and referenced herein.

b. TENTATIVE TRACT CONDITIONS

1. The development shall provide parcels, easements or rights-of-way for streets, water supply and distribution systems, sewage disposal systems, storm drainage facilities, solid waste disposal and public utilities providing electric, gas and communications services;

2. The development shall mitigate or eliminate environmental problems identified through the environmental review process, except where a statement of overriding considerations has been adopted in compliance with CEQA;

3. The development shall carry out the specific requirements of Chapter 21.30 (Subdivision Design and Improvement Requirements) and Chapter 21.34 (Improvement Plans and Agreements) of the Subdivision Ordinance;

4. The development shall secure compliance with the requirements of the Subdivision Ordinance and the general plan;

5. Any designated remainder parcels shall not be subsequently sold or further subdivided unless a certificate or conditional certificate of compliance (Chapter 21.28) is obtained in compliance with the Subdivision Ordinance;

6. The development shall dedicate additional land for bicycle paths, and local transit facilities (including bus turnouts, benches, shelters, etc.), in compliance with subdivision map act chapter 4, article 3, where required by the general plan; and

7. The tentative tract map shall be modified to be consistent with the land use plan adopted as part of the Specific Plan.

The Planning Commission shall:

(a) Certify to the adoption of this Resolution; and

(b) Forthwith transmit a certified copy of this Resolution, by certified mail, to: Walnut Valley Unified School District, 880 South Lemon Avenue, Walnut, CA 91789.

APPROVED AND ADOPTED THIS 11th DAY OF MAY 2010, BY THE PLANNING COMMISSION OF THE CITY OF DIAMOND BAR.

By: _____
Tony Torng, Chairman

I, Greg Gubman, Planning Commission Secretary, do hereby certify that the foregoing Resolution was duly introduced, passed, and adopted, at a regular meeting of the Planning Commission held on the 11th day of May, 2010, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

ATTEST: _____
Greg Gubman, Secretary

Table ES-3
RECOMMENDED CONDITIONS OF PROJECT APPROVAL

No.	Condition of Approval
	Land Use
1-1	Unless effective sound mitigation can be demonstrated once the project is operational or other controls imposed on delivery and related activities, no delivery activities shall occur between the hours of 10:00 PM and 7:00 AM.
1-2	The Applicant shall include as part of the real estate disclosure documentation, as required by the California Department of Real Estate for purchasers of those residential units to be constructed on the project site, the disclosure that commercial activities are proposed on the adjacent property and that the operational characteristics of those activities may include trucking, delivery, and maintenance operations by diesel-fueled and non-diesel-fueled vehicles.
1-3	Following the approval of the specific plan and/or any associated amendments to the City's General Plan, the Lead Agency shall provide notification of that action to the Southern California Association of Governments (SCAG), requesting that any subsequent amendments to SCAG's "Regional Transportation Plan" (RTP) and other regional planning forecasts reflect a greater level of population and housing growth within the City during the 2005-2010 time period.
1-4	Total new residential and non-residential development constructed on the project site shall not exceed 202 dwelling units and 153,985 gross leaseable square feet, respectively, unless a subsequent traffic study, addressing the traffic-related impacts associated with any such increase, is prepared by or submitted to and deemed acceptable by the City or unless such increase can be determined by the City to not result in any substantial increase in project-related traffic impacts. Should additional traffic impacts be identified, the City, at its sole discretion, may initiate additional environmental review and/or impose additional conditions or other measures in response to those impacts.
	Geotechnical Hazards
3-1	Prior to the issuance of grading and building permits, the Applicant shall demonstrate, to the satisfaction of the City Engineer, that each of the recommendations contained in the project's preliminary geotechnical investigation and in any supplemental reports as may be prepared by the Applicant's Geotechnical Engineer or by others have been incorporated into the project's design, development, and operation. The project shall be constructed, operated, and maintained in accordance with those recommendations and with such additional geologic, geotechnical, seismic, and soils recommendations as may result from further analyses that may be presented to, imposed, or adopted by the City.
	Hydrology and Water Quality
4-1	If the flood control channel right-of-way is to be utilized as part of the project's development plan, prior to the issuance of a grading permit, the Applicant shall obtain all requisite permits and approvals from the Los Angeles County Department of Public Works – Flood Control District allowing for the overbuilding of the Brea Canyon Storm Drain Channel and shall provide the City Engineer with documentation, acceptable to the City Engineer, demonstrating County approval and authorization, including a complete list of all permit requirements that may be associated therewith.
4-2	Prior to the issuance of a grading permit, the Applicant shall prepare and, when acceptable, the City Engineer shall approve a standard urban stormwater mitigation plan (SUSMP) conforming to the requirements of Section 8.12.1695 (Standard Urban Storm Water Mitigation Plan Requirements for New Development and Redevelopment Projects) of the Municipal Code.

Table ES-3
RECOMMENDED CONDITIONS OF PROJECT APPROVAL

No.	Condition of Approval
	Biological Resources (Continued)
5-1	In order to demonstrate compliance with applicable State and federal resource protection policies designed to protect or compensate for the loss of biological resources, prior to the approval of a grading permit, were applicable, the Applicant shall provide the Director with documentation of receipt of the following permits: (1) Section 401 (Federal Clean Water Act) water quality certification or waiver of waste discharge requirements from the Regional Water Quality Control Board, Los Angeles Region; (2) nationwide Section 404 (Federal Clean Water Act) permit from the United States Army Corps of Engineers; and (3) Section 1602 (California Fish and Game Code) streambed alteration agreement from the California Department of Fish and Game. The Applicant shall comply with all associated permit requirements.
5-2	Prior to the issuance of a grading permit, the Applicant shall submit to the Community Development Director and, when acceptable, the Director shall accept for subsequent processing an arborist-prepared tree survey, specifying: (1) the precise number and type of protected trees that will be directly or indirectly impacted by the proposed project; (2) the number (ratio), type, size, and source of trees that will be planted in compensation thereof; (3) the location of all replacement trees; (4) planting notes and irrigation requirements; (4) performance standards for the survivability of replacement trees; (5) a maintenance agreement stipulating the Applicant's obligations for a minimum 3-year period, including the annual reporting; and (6) the amount and derivation of the security deposit required under the City's tree preservation ordinance.
5-3	California Walnut Woodland. Measures to mitigate impacts to California walnut woodland will be orchestrated in concert with the replanting of trees protected by the City's tree preservation and protection ordinance. To the extent possible, southern California black walnut trees will be planted on manufactured slopes within the development. Prior to the issuance of a grading permit, a plan shall be submitted to the Community Development Director and, when acceptable, the Director shall approve a plan describing the number, size, and location of walnut trees to be planted and outline success criteria and adaptive management procedures to ensure that the mitigation plan is successful.
5-4	As determined feasible by the Community Development Director, initial vegetation removal activities shall be conducted outside the nesting season (February 15-August 15) to avoid impacts upon nesting birds. If initial vegetation removal activities occur during the nesting season, prior to the commencement of any grading or grubbing activities, all suitable habitat shall first be thoroughly surveyed by a qualified biologist for the presence of nesting birds. If any active nests are detected, a buffer of at least 300 feet (500 feet for raptors) shall be delineated, flagged, and vegetation removal activities avoided therein until the nesting cycle is complete, as determined by the surveying biologist or a qualified biological monitor.
5-5	BMP devices shall be designed in consultation with the Greater Los Angeles County Vector Control District and shall be of a type which minimizes the potential for vector (public nuisance) problems and maintained throughout the project life so as not to contribute to those problems. Unless accepted by the County and/or by the City, the responsibilities for and the funding of the maintenance of Best Management Practices (BMPs) shall constitute obligations of the homeowners' association as to those BMPs associated with the project's residential component and the property owners' association as to those BMPs associated with the project's commercial component. BMPs not directly attributable to a single project component or use shall, by agreement between owners, become the shared obligation of both associations.
	Transportation and Circulation
6-1	Construction Worker Parking and Equipment Staging Plan. Prior to the issuance of a grading permit, the Applicant shall submit and, when deemed acceptable, the City Engineer shall approve a construction worker parking and equipment staging plan (PESP) designed to minimize disturbance to the surrounding residences to the greatest extent feasible. Unless otherwise authorized therein, contractors and other construction personnel performing construction activities in proximity to the project site shall be prohibited from parking and/or operating construction equipment, dumpsters, trailers, or other material within a public right-of-way or other public property. The PESP can be combined with or become a part of the construction traffic safety plan and/or any other construction management plan as may be required by the City.

Table ES-3
RECOMMENDED CONDITIONS OF PROJECT APPROVAL

No.	Condition of Approval
	Transportation and Circulation (Continued)
6-2	Unless previously approved by the City Engineer, no construction access shall be authorized from and no construction traffic shall be permitted along Castle Rock Road and Pasado Drive, except as may be required to construct and maintain any project-related street and other improvements within and adjacent to those rights-of-way.
6-3	Construction Traffic Safety Plan. Prior to the issuance of a grading permit, the Applicant shall submit and, when deemed acceptable, the City Engineer shall approve a construction traffic mitigation plan (CTMP). The CTMP shall identify the travel and haul routes to be used by construction vehicles; the points of ingress and egress for all construction vehicles; temporary street or lane closures, temporary signage, and temporary striping; location of materials and equipment staging areas; maintenance plans to remove spilled debris from roadway surfaces; and the hours during which large construction equipment may be brought on/off the project site. The Applicant shall keep all haul routes clean and free of debris including but not limited to gravel and dirt as a result of its operations. The Applicant shall clean adjacent streets, as directed by the City Engineer, of any material which may have been spilled, tracked, or blown onto adjacent streets or areas. Hauling or transport of oversize loads will be allowed between the hours of 9:00 AM and 3:00 PM only, Monday through Friday, unless otherwise approved by the City Engineer. No hauling or transport will be allowed during nighttime hours, weekends, or federal holidays. The use of local streets shall be limited only to those that provide direct access to the destination. Haul trucks entering or exiting public streets shall at all times yield to public traffic. If hauling operations cause any damage to existing pavement, street, curb, and/or gutter along the haul route, the Applicant will be fully responsible for repairs. The repairs shall be completed to the satisfaction of the City Engineer.
6-4	Traffic Control Plan. Prior to the issuance of a grading permit, the Applicant shall submit and, when deemed acceptable, the City shall approve a traffic control plan (TCP). The TCP shall be consistent with the Southern California Chapter of the American Public Works Association's "Work Area Traffic Control Handbook" (WATCH), the California Department of Transportation's "Manual of Traffic Controls for Construction and Maintenance Work Zones," or such alternative as may be deemed acceptable by the City. The TCP shall describe the Applicant's plans to safely and efficiently maintain vehicular and non-vehicular access along local roadways throughout the construction period. If any temporary access restrictions or lane closures are proposed by the Applicant, the TCP shall delineate detour routes, the hours, duration and frequency of such restrictions, and the emergency access and safety measures that will be implemented during those closures or restrictions. The TCP can be combined with or become a part of the construction traffic safety plan and/or any other construction management plan as may be required by the City.
6-5	Shared Parking Plan. Prior to the issuance of building permits for any on-site commercial use, the Applicant shall submit and, when deemed acceptable, the Community Development Director and the City Engineer shall approve a shared parking study. The study, conducted using the Urban Land Institute's "Shared Parking" (Second Edition, 2005) unless otherwise approved by the City, shall present a quantification of on-site commercial parking needs, quantify the number of on-site parking spaces required under existing City regulations, discuss and evaluate opportunities for shared parking between on-site commercial uses, and quantify the number and type of parking spaces that need to be provided to support those commercial uses to be developed on the project site. The number, type, and location of on-site parking shall be determined by the City based, in whole or in part, by the findings of that shared parking study.
	Air Quality
7-1	The Applicant shall include as part of the real estate disclosure documentation, as required by the California Department of Real Estate for purchasers of those residential units to be constructed on the project site, the disclosure that commercial activities are proposed on the adjacent property and that the operational characteristics of those activities may include trucking, delivery, and maintenance operations involving diesel-fueled vehicles.

Table ES-3
RECOMMENDED CONDITIONS OF PROJECT APPROVAL

No.	Condition of Approval
	Noise
8-1	All residential and commercial units shall include forced air ventilation designed and installed in accordance with Title 24 of California Building Code standards.
	Public Services
9-1	Prior to the commencement of grading activities, the Applicant shall prepare and submit for review by the Los Angeles County Sheriff's Department (LACSD) a draft construction security plan outlining the activities that will be instituted by the Applicant to secure the construction site and the equipment and materials located thereupon from potential criminal incidents. The Applicant shall incorporate the recommendations of the LACSD, if any, into a final construction security plan and shall implement that plan during the construction period.
9-2	Prior to the issuance of building permits, the LACSD shall be provided the opportunity to review and comment upon building plans and the configuration of the development in order to: (1) facilitate opportunities for improved emergency access and response; (2) ensure the consideration of design strategies that facilitate public safety and police surveillance; and (3) offer specific design recommendations to enhance public safety and reduce potential demands upon police protection services.
9-3	Prior to the commencement of grading or grubbing activities, the Applicant shall prepare and submit and the Los Angeles County Fire Department (LACFD) shall review and, when deemed acceptable, approve a fire protection program and workplace standards for fire safety outlining those activities to be undertaken by the Applicant during the construction period. The Applicant shall abide by specific project-level permit conditions identified by the LACFD.
9-4	Prior to the issuance of a grading permit, the Applicant shall submit and the Los Angeles County Fire Department shall review and, when deemed acceptable, approve a fuel modification, landscape, and irrigation plan in compliance with County Very High Fire Hazard Severity Zone (Fire Zone 4) standards.
9-5	Prior to the issuance of building permits, the Los Angeles County Fire Department (LACFD) will review and, when deemed acceptable, approve (1) final water improvement plans including, but not limited to, the location, sizing, design, and fire flow capacity of the proposed water mains and fire hydrants and proposed access improvements to ensure compliance with applicable Fire Code requirements; and (2) building plans. The project's water system shall be designed in response to final fire flow requirements identified by the LACFD.
9-6	Prior to the issuance of a grading permit, the Applicant shall submit to the Building Official for review and approval a temporary fencing and signage plan designed to discourage access to any active construction areas by children and other unauthorized parties.
9-7	Prior to the issuance of building permits, the Applicant shall present the City with a certificate of compliance or other documentation demonstrating that the Applicant has complied with the Walnut Valley Unified School District's School Board resolutions governing the payment of school impact fees or has entered into an Assembly Bill 2926 authorized school fee mitigation agreement or is not subject to the school impact fee exaction.
9-8	Prior to the approval of the final subdivision map, unless an alternative milestone event or other manner of fulfillment of the Applicant's obligations under Section 21.32.040 (Park Land Dedications and Fees) in Chapter 21.32 (Subdivisions) of the Municipal Code is first approved by the City Council, the Applicant shall provide the City with an in-lieu park fee payment in the manner and in the amount authorized thereunder.

Table ES-3
RECOMMENDED CONDITIONS OF PROJECT APPROVAL

No.	Condition of Approval
	Utilities and Service Systems
10-1	Prior to the issuance of any grading permits, a sewer area study, prepared by a licensed civil engineer registered in the State of California, shall be submitted to the City Engineer and to the Los Angeles County Department of Public Works (LACDPW) for review and, when deemed acceptable, for approval. The sewer area study shall include sewer flow monitoring at specific locations to be determined by the City Engineer and the LACDPW. The sewer flow analysis shall include calculations for the quantities of sewer flow for the pre-development and post-development conditions and determine the impact on all affected City and County-operated sewerage facilities. Should project-related sewer flows be determined to impact the sewer capacity downstream from the proposed development, the Applicant shall be required to mitigate any potential capacity deficiency by a method approved by the City Engineer or the LACDPW, subject to appropriate jurisdictional authorities. The Applicant shall be responsible for all costs required to mitigate the potential capacity deficiency, including upgrading existing sewer mains.
	Aesthetics
12-1	The specific plan shall include design details, acceptable to both the City Engineer and to the Community Development Director, for all proposed retaining walls. Retaining wall plans shall include landscape and irrigation details sufficient to ensure that each of those elements are, as appropriate, integrated into wall design and that the interrelationship between those elements are considered from structural integrity and aesthetic viewpoints.

Table ES-2
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Biological Resources		
5-1	Jurisdictional Features. In order to reduce impacts to United States Army Corps of Engineers and Regional Water Quality Control Board (ACOE/RWQCB) and California Department of Fish and Game (CDFG) jurisdictional waters, prior to the issuance of a grading permit, the Applicant shall demonstrate, to the satisfaction of the Community Development Director, receipt of any discretionary permits and approval as may be required from the ACOE, RWQCB, and CDFG and commit to the provision of compensatory jurisdictional resources meeting or exceeding the following minimal standards: (1) the on-site and/or off-site replacement of ACOE/RWQCB jurisdictional waters and wetlands at a 2:1 ratio; (2) the on-site and/or off-site replacement of CDFG jurisdictional streambed and associated riparian habitat at a 2:1 ratio; and (3) the incorporation of design features into the proposed project's design and development.	Community Development Director	Issuance of Grading Permits
	Traffic and Circulation		
6-1	Prior to the recordation of the final tract map, the Applicant shall provide, to the satisfaction of the City Engineer, the intersection improvements identified in the traffic impact analysis or provide a "fair-share" contribution toward the cost of the improvements to the following intersections: (1) Brea Canyon Road (W) at Pathfinder Road; (2) Diamond Bar Boulevard at Pathfinder Road; (3) Brea Canyon Road at Cold Spring Lane; (4) Diamond Bar Boulevard at Cold Spring Lane; (5) Pathfinder Road at Brea Canyon Cutoff; (6) SR-57 SB Ramps at Brea Canyon Cutoff Road; (7) SR-57 NB Ramps at Brea Canyon Cutoff/Diamond Bar Boulevard; (8) Brea Canyon Road at Diamond Bar Boulevard; (9) Cherrydale Drive at Diamond Bar Boulevard; (10) Brea Canyon Road at Silver Bullet Drive; (11) Diamond Bar Boulevard at Grand Avenue; and (12) Colima Road at Brea Canyon Cutoff.	City Engineer	Final Tract Map Recordation
6-2	The final site plan shall include and accommodate those traffic measures, improvements, and such other pertinent factors and/or facilities as may be identified by the City Engineer to ensure the safe and efficient movement of project-related traffic.	City Engineer	Site Plan Approval
	Air Quality		
7-1	All non-residential paints shall contain no more than 0.22 pound/gallon (100 gram/liter) of volatile organic compound (VOC).	Community Development Director	Building Permit Issuance
7-2	The Applicant shall abide by any other air pollution reduction measures as may be approved by the City of Diamond Bar and/or by the South Coast Air Quality Management District.		Building Permit Issuance
7-3	Traffic lane improvements and signalization, as outlined in the traffic study, shall be implemented and will generally improve local traffic flow, thereby reducing emissions created in the project area.	City Engineer	Building Permit Issuance
7-4	To encourage the use of mass transportation, the Applicant shall place bus stop shelters at any bus stops situated or to be situated along any site frontage routes if not already so equipped.		Building Permit Issuance

Table ES-2 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Air Quality (Continued)		
7-5	To encourage the use of localized commercial facilities and reduce the need for vehicle travel, the Applicant shall include both bike lanes (where feasible) and bike paths between the residential and commercial development areas. Additionally, the Applicant shall provide sidewalks and walking paths to the proposed commercial areas.	City Engineer	Final Tract Map Recordation
7-6	The Applicant shall specify the installation of energy efficient lighting, air conditioning, water heaters, and appliances for all residential and commercial uses.	City Engineer	Building Permit Issuance
7-7	The Applicant shall specify the installation of energy efficient street lighting.		
	Noise		
8-1	In accordance with the Development Code, construction shall be restricted to between the hours of 7:00 AM and 8:00 PM on weekdays and Saturdays. No construction shall occur at any time on Sundays or on federal holidays. These days and hours shall also apply any servicing of equipment and to the delivery of materials to or from the site.	Building Inspector	Construction Term
8-2	All construction equipment shall be properly maintained and tuned to minimize noise emissions.	Building Inspector	Construction Term
8-3	All equipment shall be fitted with properly operating mufflers, air intake silencers, and engine shrouds no less effective than originally equipped.	Building Inspector	Construction Term
8-4	The construction contractor shall place temporary noise barriers along the site perimeter when doing any work within 100 feet of any residential units. Such barriers shall attempt to block the line of sight between the residents and construction equipment.	Building Inspector	Construction Term
8-5	The construction contractor shall specify the use of electric stationary equipment (e.g., compressors) that can operate off the power grid where feasible. Where infeasible, stationary noise sources (e.g., generators and compressors) shall be located as far from residential receptor locations as is feasible.	City Engineer	Building Permit Issuance
8-6	Construction shall be subject to any and all provisions set forth by the City of Diamond Bar Planning Department.	Planning Manager	Building Permit Issuance
8-7	No residential units shall be located within 830 feet of the SR-57 Freeway's nearest travel lane unless additional sound attention is provided to the satisfaction of the Community Development Director.	Community Development Director	Final Tract Map Recordation
8-8	No commercial units shall be located within 60 feet of the centerline of Diamond Bar Boulevard.		Building Permit Issuance

Table ES-2 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Noise (Continued)		
8-9	No residential units shall be located within 130 feet of the centerline of Diamond Bar Boulevard unless additional sound attention is provided to the satisfaction of the Community Development Director.	Community Development Director	Final Tract Map Recordation
	Cultural Resources		
11-1	Prior to the issuance of a grading permit, a qualified archaeologist shall be retained by the Applicant and approved by the City to monitor all vegetation removal and ground disturbance to a depth of three feet within the following portions of the study area: (1) the boundary of SD-Cultural-1; (2) the open valley floor adjacent to SD-Cultural-1; and (3) the riparian areas that were not previously surveyed due to dense vegetation cover. The archaeologist will determine if additional monitoring below the depth of three feet is warranted based on soil and bedrock conditions and presence/absence of archaeological materials. No archaeological monitoring is required for ground disturbing activities outside of these monitor areas.	Community Development Director and City Engineer	Issuance of Grading Permits
11-2	If cultural resources are identified during monitoring of the ground disturbing activities, the archaeologist shall be allowed to temporarily divert or redirect grading or excavation activities in the vicinity of those resources in order to make an evaluation of the find and determine appropriate treatment. Treatment will include the goals of preservation where practicable and public interpretation of historic and archaeological resources. All cultural resources recovered will be documented on California Department of Parks and Recreation Site Forms to be filed with the CHRIS-SCCIC. The archaeologist shall prepare a final report about the monitoring to be filed with the Applicant, the City, and the California Historical Resources Information System South Central Coastal Information Center at the California State University, Fullerton (CHRIS-SCCIC), as required by the California Office of Historic Preservation. The report shall include documentation and interpretation of resources recovered, if any. Interpretation will include full evaluation of the eligibility of SD-Cultural-1 with respect to the California Register of Historic Places and CEQA. The report shall also include all specialists' reports as appendices. The City shall designate repositories in the event that significant resources are recovered. If cultural resources are identified during ground disturbing activities that occur outside the designated monitoring area, ground disturbing activities shall be temporarily redirected away from the vicinity of the find until the retained archaeologist is notified by the Applicant. The archaeologist shall coordinate with the Applicant as to the immediate treatment of the find until a proper site visit and evaluation is made by the archaeologist.	Building Inspector	Construction Term
11-3	If human remains are encountered unexpectedly during construction excavation and grading activities, Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Section 5097.98 of the Public Resources Code. If the remains are determined to be of Native American descent, the County Coroner has 24 hours to notify the California Native American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent of the deceased Native American, who will then help determine what course of action should be taken in dealing with the remains.	Building Inspector	Construction Term

Table ES-2 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Cultural Resources (Continued)		
11-4	Prior to the issuance of a grading permit, a qualified paleontologist meeting the qualifications established by the Society of Vertebrate Paleontologists shall be retained by the Applicant and approved by the City to develop and implement a paleontological monitoring plan. Development of the monitoring plan shall include a site visit by the paleontologist prior to initiation of project development in order to determine or delineate sensitive areas. The paleontologist may also perform collections of fossils from the surface and near-surface.	Community Development Director	Issuance of Grading Permits
11-5	The paleontologist shall attend a pre-grade meeting in order to become familiar with the proposed depths and patterns of grading of the study area.	City Engineer	Issuance of Grading Permits
11-6	The paleontologist shall establish a curation agreement with an accredited facility prior to grading permit issuance.	City Engineer	Issuance of Grading Permits
11-7	A paleontological monitor, supervised by the paleontologist, shall monitor all excavations in the Puente Formation or excavations anticipated to extend into the Puente Formation. If fossils are found during ground-disturbing activities, the paleontological monitor shall be empowered to halt the ground-disturbing activities within 25 feet of the find in order to allow evaluation of the find and determination of appropriate treatment.	Building Inspector	Construction Term
11-8	The paleontologist shall prepare a final report on the monitoring. If fossils were identified, the report shall contain an appropriate description of the fossils, treatment, and curation. A copy of the report shall be filed with the City and the Natural History Museum of Los Angeles County and shall accompany any curated fossils.	Community Development Director	Grading Sign-Off
	Aesthetics		
12-1	Pole-mounted or wall-mounted luminaires installed for the purpose of illuminating commercial areas, parking lots, roadways, and driveways shall conform to appropriate lighting standards and demonstrate that light trespass not exceed 0.5 horizontal foot candle, as measured at the project boundaries abutting any existing residential use. These standards shall not be applied to any adjoining public streets or other non-light-sensitive land uses.	Community Development Director	Building Permit Issuance

Attachment 4

DRAFT

MINUTES OF THE CITY OF DIAMOND BAR
REGULAR MEETING OF THE PLANNING COMMISSION
APRIL 27, 2010

CALL TO ORDER:

Chairman Torng called the meeting to order at 7:00 p.m. in the South Coast Air Quality Management District/Government Center Auditorium, 21865 Copley Drive, Diamond Bar, CA 91765.

PLEDGE OF ALLEGIANCE: C/Lee led the Pledge of Allegiance.

1. ROLL CALL:

Present: Commissioners Kwang Ho Lee, Jack Shah, Vice Chairman Kathy Nolan, and Chairman Tony Torng.

Absent: Commissioner Steve Nelson was excused.

Also present: Greg Gubman, Community Development Director; Brad Wohlenberg, Assistant City Attorney; Grace Lee, Senior Planner; Rick Yee, Senior Engineer, and Stella Marquez, Senior Administrative Assistant.

Consultants: Mark Rogers and JoAnne Sturges, TRG Land; Peter Lewandowski, Environmental Impact Sciences, Steve Sasaki, Sasaki Transportation Services.

2. MATTERS FROM THE AUDIENCE/PUBLIC COMMENTS: None

3. APPROVAL OF AGENDA: As presented.

4. CONSENT CALENDAR:

4.1 Minutes of the Regular Meeting of April 13, 2010.

C/Shah moved, VC/Nolan seconded, to approve the Minutes of the Regular Meeting of April 13, 2010, as corrected. Motion carried by the following Roll Call vote:

AYES:	COMMISSIONERS:	Shah, VC/Nolan, Chair/Torng
NOES:	COMMISSIONERS:	None
ABSTAIN:	COMMISSIONERS:	Lee
ABSENT:	COMMISSIONERS:	Nelson

5. OLD BUSINESS: None

6. NEW BUSINESS: None

7. PUBLIC HEARINGS:

7.1 **Site "D" Specific Plan** – Pursuant to the Subdivision Map Act; Title 21 – City's Subdivision Ordinance; and Title 22 – Development Code Sections 22.60 and 22.70, the proposed project is to recommend approval of the following to the City Council. (Continued from April 13, 2010)

General Plan Amendment No. 2007-03 – A request to change the land use designations from Public Facility (PF) and General Commercial (C-1) to Specific Plan (SP).

Zone Change No. 2007-04 – A request to change the zoning districts from Low Density Residential (RL) and Neighborhood Commercial (C-1) to Specific Plan (SP).

Specific Plan No. 2007-01 – a Request to adopt the Site D Specific Plan for approximately 30.36-acre site for the construction of 202 residential dwelling units; 153,985 gross square feet of commercial use; and approximately 10.11 acres of open space areas, easements and rights-of-way.

Tentative Tract Map No. 70687 – A request 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.

Environmental Impact Report No. 2007-02 – A request to certify the final EIR which provides a detailed analysis of potential environmental impacts associated with the development of the Specific Plan area. The EIR includes mitigation measures for the project, addresses project alternatives, identifies the environmentally superior project alternative, and adopts a statement of overriding considerations.

Project Address: Site 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, 8714-002,093, and 8714-015-001).

Applicant: Walnut Valley Unified School District and City of Diamond Bar

Lead Agency: City of Diamond Bar
Community Development Department

ACA/Wohlenberg explained that at its last meeting on April 13, 2010, the Commission closed the public hearing following the public comment period. There is a procedure for reopening public hearings during the same meeting. If the public hearing is reopened at a different meeting it would require that the item be officially re-noticed and continued to the next Planning Commission meeting. This procedure is not just for the benefit of those present this evening that would like to speak; if it were known that there would be additional opportunity for public comment there may have been others who would have appeared at tonight's meeting to speak but did not do so because they believed there was no opportunity for further public comment. It would require action of the Commission to direct staff to re-notice the hearing so that it could be reopened at the next meeting.

C/Shah said he would recommend the public hearing not be reopened and that the Commission move forward as scheduled to receive responses to comments and that the Commission continue with its deliberation as scheduled.

C/Lee concurred stating that he listened to the tapes of the last meeting and was prepared to move forward.

VC/Nolan moved to continue the item to May 11, 2010, and direct staff to re-notice the meeting to allow for further public comment. The motion died for lack of a second.

C/Lee confirmed to Chair/Torng that he had listened to the entire taped meeting and was prepared to move forward to deliberation.

Chair/Torng advised the public that the Planning Commission was acting in an advisory capacity to the City Council and that following staff's responses to the public comments received during the public hearing on April 13, 2010, the Commissioners would deliberate and the Commission would make its recommendation to City Council. The City Council is the final authority on the matter and the public will be notified of future public hearings if and when the matter goes to the City Council for deliberation.

Chair/Torng acknowledged receipt of letters from Lee Paulson, Melony Paulson, Mary Rodriquez and Christopher Chung. Emails were received from Mary Rodriquez, John Yang, David Dorsey, Julie Leung and Christopher Chung.

CDD/Gubman presented staff's report and addressed questions and comments raised by audience prior to close of the public hearing followed by response to Commissioner's questions after which the Commission will determine the next steps. CDD/Gubman said that rather than respond to the questions and comments item by item, he would address them collectively by topic.

CDD/Gubman said that staff understands that this project has garnered a great deal of opposition from the community and there has been a great deal of criticism of staff for not making any fundamental changes to the parameters of the Specific Plan. While the criticism is well received, he clarified that the cornerstone for this Specific Plan is the Memorandum of Understanding (MOU) that was crafted between the City and the Walnut Valley Unified School District (WVUSD), the premise of which was that staff was to develop a Specific Plan that consisted of 50 percent residential and 50 percent commercial. The plan that staff crafted and worked on is based on those fundamentals. Accordingly, the City's consultant TGR Land studied the property and developed a physical plan that established the land form that would be appropriate for accommodating a commercial development and residential development. The physical plan that has been presented demonstrates how that land form has been envisioned for this site based on technical analysis and existing conditions of the site as well as, access points to the project.

CDD/Gubman stated that the Specific Plan is characterized as an "umbrella" or framework plan for this site. As stated at the first meeting, there is a range of planning tools that could be used to set forth the long range development objectives for the site, one of which could simply be rezoning the property. However, a Specific Plan is a tool in which much more rigorous land use strategies, requirements and other specifications tailored to the particular characteristics of this property can be employed. As memorialized in the MOU, staff opted to do a Specific Plan, the intent of which was not to create a detailed development plan. There are no developers that are lined up, signed up or even in talks to develop this property. So, there is not a development plan that staff can base a document on, but instead staff formulated some planning principles and created a document of what the City's vision for this site is based on the commercial/residential makeup of the property and specify in diagrams, graphics and words what the physical and land use characteristics of this site should be at build-out. By creating this plan and conducting the environmental analysis, the strategy is to have an entitlement or vested approval in place to put this property out to market. Having an entitlement in place adds value to the property and removes many of the unknowns about what can or cannot be developed on this site. By eliminating those uncertainties, the value of the land is increased. At the same time, it is very clear how many units are the maximum that may be developed and possibly fewer units can be developed. However, 202 units would be the maximum under what is being proposed with this site plan, along with about 154,000 square feet of commercial development. This plan also specifies where those land uses will be organized on the site and outlines the physical envelopes for those physical components, along with the access, backbone road and provisions for pedestrian interaction between the commercial and residential components. The plan for residential is based on the General Plan Consistency Analysis and promotes several General Plan Goals and Objectives as well, and

staff has presented its recommendations for making those findings in the Specific Plan. This public hearing process provides an opportunity for the Commission to consider opposing viewpoints that have been presented by the public. Staff is confident that the project is furthering several development General Plan goals and objectives to provide housing in the community, to diversify the housing stock and staff believes that it has formulated a plan that is compatible with the surrounding areas to preserve the integrity of the neighboring land uses. Again, that is a matter for the Planning Commission to deliberate and in doing so, consider all of the testimony, and determine whether to concur with staff's recommendation.

CDD/Gubman stated that if the objective was for the City to help the school district maximize its return (get the most money for its property) the City would be presenting a plan comprised of 100 percent residential; however, the City is looking at this site with other community needs in mind to create a balanced community, to provide a range of services for the community and to provide a sustainable revenue opportunity given that the site is located at a major intersection in the City. The part of the plan that introduces the commercial was the City's contribution to the MOU. The City did not view 100 percent residential as the best long-range plan for this site understanding that market conditions are really a snapshot in time and a market study done two years ago would look nothing like a market study done today and looking into the long-term horizon for the City, would the community be better served by additional commercial or a neighborhood serving commercial uses. The City contributed this component to the MOU that provided this. Is the tax revenue generation or the potential to generate tax revenue the sole driving factor? While it is certainly one of the driving factors it is certainly not the only driving factor. Again, if the City was solely motivated toward tax revenue it would not necessarily be looking at a commercial component that would only accommodate a neighborhood serving commercial use because the amount of sales tax generated from that component would not make or break the City. It certainly helps to diversify and enhance the City's revenue portfolio but it is not something that is the only factor that the City feels is a justification to propose commercial at this site – it is the opportunity to take a corner at an arterial and to seize the opportunity to add additional commercial services for the community. Staff understands that there is not support from those who have participated in this process with their oral and written comments; however, that is the reason why the City holds the hearing process.

CDD/Gubman said that staff takes exception to the comments that the public input was ignored or disregarded or treated flippantly. There was a scoping meeting prior to the Environmental Impact Report (EIR) preparation and there was a public comment meeting to provide an opportunity for the public to speak on the aspects of the EIR. Staff explained that those were not the times for the City to debate or deliberate on the merits of the plan itself but to focus on the environmental issues

that need to be analyzed, and if the analysis was thorough and sufficiently fleshed out to enable the Commission to feel that it has been disclosed and apprised of all facts that go into the entirety of this decision – not only the environmental, but the appropriateness of the proposed land uses in the Specific Plan document as a whole. Staff certainly did not preclude people from speaking on the merits of the plan and voice their opposition to the project itself, to bring up the 1991 Resolution by the DBIA to develop the site as a park, etc. All of those comments are in the record and they have all been published and presented to the Commission in the Draft and Final EIR. All comments received have been recorded. Now that the decision making process begins through the Planning Commission and City Council hearings it is the time to consider the appropriateness, the merits and the benefit to the community of this Specific Plan in its entirety. Staff believes that it made a genuine effort to facilitate government to include all comments and to provide the public the opportunity to express their views. Staff's responses through the EIR process were only to the environmental issues and for that reason in the response to comments of the EIR there are numerous occasions that repeat "this comment is acknowledged" because it is not a CEQA issue but another issue. Nevertheless, those comments are acknowledged and published and they are disclosed to the Commission. In addition to the public hearing process opened last meeting (April 13, 2010) there is a very detailed and extensive record of where those members of who have taken the time to participate in this process stand on the matter. He hopes with that said that there is some consideration for staff's effort to provide the Commission with that information. This process was not a municipal or park or public improvement project where a neighborhood charette would have been used to solicit public input. This was a development proposal with staff acting as the applicant. This process did not provide the format for the type of participation that a community project would.

CDD/Gubman stated that there are numerous factual errors contained in the letter from Christopher Chung that need to be addressed on the record. First comment is that the Specific Plan is inadequate, inconsistent and does not meet statutory requirements. With that statement the contention is that the Specific Plan does not prescribe architectural and landscape details or specify other criteria in greater detail. Section 65451 of the California Government Code specifies the required content of the Specific Plan and that level of detail is not mandated. In fact, the Governor's Office of Planning and Research has a publication entitled *The Planner's Guide to Specific Plans* which states in its opening paragraph "a Specific Plan may be as general as setting forth broad policy concepts or as detailed as providing direction to every facet of the development from the type, location and intensity of uses, to the design and capacity of infrastructure, from the resources used to the financed public improvements, to the design guidelines of the subdivision." The Draft Specific Plan the City is presenting fits within these very broad parameters. Moreover, the Site D Specific Plan is very similar in format to the Specific Plan that was prepared for the Target/ Brookfield/Calvary Chapel site,

which was adopted and approved. The second point raised is "the City cannot use Site D as justification to meet regional housing needs assessment housing needs or to meet RHNA numbers" and this is simply untrue. The City is obligated to accommodate 1,098 new housing units during the current RHNA cycle. Part of that obligation is to designate 15.6 acres for residential development at a density of 30 units per acre to accommodate lower income housing needs for 466 units. Site D is not one of the several sites being studied to accommodate that need. Site D would help fulfill the City's obligation to provide the 632 market rate units under the current RHNA allocation. The third comment that is factually incorrect is that the EIR scoping meeting was conducted after the Draft EIR was released. This is incorrect. The scoping meeting was conducted on February 21, 2008. The Neighborhood Forum held on August 3, 2009, was during the Draft EIR public comment period and was provided as an additional opportunity for the public to ask questions and provide oral and written comments regarding the adequacy of the EIR. Unlike the previous scoping meeting, the August 3, 2009, meeting was not mandated under CEQA but the City scheduled the meeting in an effort to inform the public and to solicit comments. The fourth comment is that the EIR was not completed by an objective third party independent consultant that has no prior relationship with the WVUSD. For the record, TRG Land did *not* prepare the EIR and does not provide environmental services. The City selected the firm Environmental Impact Sciences to prepare the EIR. The fifth comment stated in effect that the traffic mitigation in the form of fair-share fees is inadequate and violates case law set forth under Federation of Hillside and Canyon Associates v. the City of Los Angeles. The EIR's mitigation reporting and monitoring program that is part of the EIR document requires the specific improvements or fair-share contributions shall be provided prior to the recording of the final Tract Map. This is not a violation of FHCA v. Los Angeles. FHCA v. Los Angeles did not deem the payment of fair-share fees to be invalid. What the case law cited determined was that although the City of Los Angeles adopted mitigation measures for its General Plan framework program, it failed to require that they be implemented as a condition of development. The Site D EIR does not make that error in that the improvements or fair-share contributions are required to be paid or completed upon recordation of the final Map. In fact, going further, he pointed out that the court decision went on to state that it found no fault with Los Angeles's certification of that EIR but only with the failure to show substantial evidence in the record to support a finding that the mitigation measures had been required or incorporated into the planning document. The sixth statement was a comment that it is the responsibility of the lead agency to consider all viable project alternatives. This is untrue. Under Goleta Valley vs. The Board of Supervisors, it was determined that an EIR must discuss a reasonable range of potentially feasible alternatives to the proposed project. Staff believes that the Site D EIR has indeed discussed a reasonable range of project alternatives. Finally, there is a statement that the City of Diamond Bar's noticing radius is 700 feet from property lines and the City arbitrarily increased the radius to 1000 feet, therefore, should extend the

notification range even farther out. This is untrue. In fact, Section 22.72.020 requires a 1000-foot notification radius for the Site D Specific Plan.

CDD/Gubman asked if the Commissioners had any questions. C/Lee said he heard the same story last time and he believes that the public hearing process is not a lecturing process. He listened to the two and one-half hour tapes of the last meeting and heard many residents voice their concerns as well as their wishes. He understands residents clearly expressed their thoughts; he understands this project and its relative impact to the community. But on the agenda it states a Finding of Fact and Statement of Overriding Considerations, and implementation with the identified economic and social benefits. He said he understood the economic benefit but did not understand the social benefit. CDD/Gubman explained that it is adding to the diversity of Diamond Bar's housing stock and providing additional housing opportunities. C/Lee asked if "housing stock is a social benefit" and CDD/Gubman responded "yes." C/Lee said there is maybe sociality? But a social benefit is not that. Maybe housing stock is a benefit but not a social benefit. He asked for a better explanation of "social benefit." ACA/Wohlenberg explained that there is an underlying thought in California Land Use law and in Housing law that there should be a community that has a variety of housing types and pricing available. And something that Diamond Bar hears as a comment from the State of California in the review of its Housing Element is that so much of Diamond Bar's housing is focused on the higher economic spectrum. So in order to seek out that benefit of having diverse housing choices within the City, that is part of what this project is aimed at providing – not the high end housing that Diamond Bar has so much of but mid-range housing units that Diamond Bar needs (another 632 units) under its RHNA obligation. C/Lee argued that the statement should be "housing stock benefits" and not social benefits. Mark Rogers stated that in addition to the aforementioned benefits, the project seeks to do a number of things. First, the project is using both commercial and residential land uses in an area that as he understands, has a need for neighborhood commercial services. The idea today and what is seen as handed down by the State of California is that it is looking for projects where there is a blend of land uses to cut down vehicle miles traveled and place uses where there is a pedestrian trail that connects the adjoining neighborhood on the south end of the project into a plaza-like feature anticipated with a commercial side of the project. In that instance, this project meets social standards from the state's standards in providing a mixed land use with both residential and commercial. He hopes that he is not stretching when he also states that the benefit of this project monetarily to the WVUSD and maybe secondarily to the City, has tremendous social benefit. The values that he sees in this community are born out of the great education that the children get from their school systems. This is a timely project from the standpoint of providing needed fund for the district and that, he believes, has tremendous and long-reaching social benefit.

C/Lee said the report mentions this project would be convenient for people but can he talk about social benefit as common sense. This project will be good for families, education involvement. He heard many negative comments from residents because there is no social benefit. So he wants to understand clearly what social benefit is. But Mr. Rogers's understanding is a convenience of more houses so there is a contradiction. This comment should be changed to "more housing stock or more convenience for shopping but not social benefit because people can misunderstand about this project. C/Lee asked how this project building more houses and building more commercial areas is related to education, and CDD/Gubman responded "in that the sale of the property benefits the school district." C/Lee asked if that is why it helps people and kids grow up in this community. He thought it was totally irrelevant explanation about this project with respect to education. C/Lee asked for clarification of "social benefit" and asked if it could be changed "housing stock benefit or convenient to the people or shoppers." CDD/Gubman responded yes, that the changes can be made so that his concerns are addressed.

VC/Nolan asked if socialize meant how it socially benefits the community at large. CDD/Gubman said that when the document addresses social benefit it refers to the entire palette of elements that enhance the society. ACA/Wohlenberg said that when making a statement of overriding considerations it simply discusses the economic and social benefits that would occur from deciding to move forward even though there is unmitigated significant impact. To him that is sort of "catch-all" language that the legislature adopted. There are economic benefits and social benefits and everything falls into one of those two categories.

C/Shah asked what could be built under the land use designation of Public Facility and General Commercial if nothing is done to change the land use to Specific Plan. CDD/Gubman responded that currently there is a fundamental inconsistency between the General Plan and the zoning. The General Plan designation is Public Facility which would suggest a school or park. The zoning that is overlaid on that is residential and commercial so there is a General Plan zoning inconsistency that would have to be resolved to enable the property to be developed in some fashion.

Chair/Torng asked for a response to Mr. Chung's statement on Page 1 of his letter that refers to "the proposed high-density residential land use is incompatible with adjacent land use and inconsistent with the General Plan." CDD/Gubman said that was a fair argument. Staff's position is that this housing type is compatible with the surrounding uses. It is not located within a local neighborhood street completely encircled by single family detached residences. This property does have its back turned on the single family neighborhood and faces a major arterial. Based on that context an attached housing product on this site would be appropriate and if one looks throughout the City, one will see similar land use

relationships between those housing types that co-exist under similar contexts and disagreed that it is an inconsistent land use.

Chair/Torng asked about Mr. Chung's statement on Page 6: "The consultant provided a representation that the development of the housing would be of high quality for moderate income families." The inconsistency is that this should be low income. CDD/Gubman said that the first thing he needs to clarify is that high density would be for 30-units to the acre. This residential project proposed at 20-unit per acre on the development pads is exclusive of the slopes front and back. Therefore, the effective density is closer to 17-units per acre. The 30-unit per acre density requirement that staff is studying for locations elsewhere in the City is considered a default density for affordable housing so the state views a development at 30-units per acre as probably accommodating affordable housing, at least in this region given the property values and existing levels of urbanization. Thirty units per acre in Manhattan would be extremely low density for example, so it is all relative. Site D would be attached housing probably similar to the Brookfield development above Target which is market rate housing.

Chair/Torng said he raised a concern about Page 15 of Mr. Chung's letter - the grubbing and grading near the homes toward the channel to ensure that insects and rodents are driven away from homes. This should have been a mitigation measure but nothing has come up about it. Is there any way this can be mitigated? CDD/Gubman responded that there is a standard requirement in the issuance of grading plans that rodent barriers be installed around the perimeter of a project. Staff believes that would be a more effective means of containing the rodent population within the project site to effectively be decimated by development activity. The prospect of grubbing at the edge of the site or at the center is somewhat speculative in the belief that that is going to drive the rodent population inward. He said he did not see how that was something the City could guarantee unless there is one solid line of machinery that moves contiguously and together toward the center. The City's grading permit requirements include a rodent barrier to imbed into the ground and prevent the offsite migration in order to more effectively achieve that goal. Chair/Torng said, so in other words, staff already considered that and CDD/Gubman responded "yes," although it should be noted that specific discussion of rodent barriers was not included in the EIR response to comments.

CDD/Gubman responded to Chair/Torng that 7:00 a.m. (not 8:00 a.m.) is the citywide noise regulation standard for construction activity.

VC/Nolan asked if the City had the resources of a buyer to purchase green space for a recreational facility. CDD/Gubman explained that Site D is not included in the Parks Master Plan and since the MOU expressly states that the Specific Plan

should be prepared to accommodate 50 percent residential and 50 percent commercial, the response would be "no" at this point.

Mark Rogers, TRG Land, pointed out that one of the terms the Commissioners should keep in mind for the purposes of this process is "predictable outcome." It is a term he uses a lot speaking about development and the experiences he has had with development. In an effort to ensure what the Commission deliberates on and what the Council will deliberate on and make a decision on is truly what can happen as a built project. This project, like many projects he has had an opportunity to work with, focus on ensuring that the property is mapped, set forward design parameters and a regulatory envelope so that at the end of the day as deliberated and conceived can be built. TRG has done an extraordinary amount of scientific work to ensure public safety in this project. A lot of what would normally be required in a process like this to ensure this is a quality built site. These are two public bodies that are working together to bring a project before its constituents and what is so interesting about that is that he and his colleagues sat around brainstorming the project working with things everyone has experienced in an attempt to provide a framework that TRG Land feels meets the concerns and issues they deal with on a daily basis.

Mr. Rogers stated that in the absence of a more elaborate graphic, he focused his PowerPoint presentation on the edges of the project because this is a two-step process. This attempts to build an envelope or umbrella within which a project of merit can be built. So he has focused on the edges of the project to ensure adequate setbacks and spaces that meet the intent. Along Brea Canyon, the street grade is about 10 feet below pad grade. His firm ensures that from the back or right-of-way to anything within this project there is a minimum of 35 feet. In addition, there may be an area for cars to butt right up against that setback so an additional space was allocated so that car bumpers are setback well behind that area which offers a minimum setback from top of slope of an additional five feet beyond the 35-foot setback. At the corner of the project, the vision was at that the corner of Brea Canyon and Diamond Bar Boulevard create something like an arrival/plaza space in the project.

Chair/Torng asked if the lower legend side is people's view driving from Diamond Bar Boulevard and the view on the right is the potential site elevation. He asked about the triangle. Mr. Rogers responded that is the condition he is describing – the arrival/plaza space. The first section is the section going toward Diamond Bar Boulevard and Brea Canyon so that it shows on the right hand side the upslope to the project. When he spoke two weeks ago he said the project was "at grade." In fact, it is as close as possible. It is still above the street. One of the corners was that drivers would see it as asphalt and that is not true. He said he would later show similar projects and how they are monumented. The second section is driving down Diamond Bar Boulevard in the direction of Grand Avenue away from

Brea Canyon. This shows a very strong setback of 35-feet to a monument feature with a very strong community gathering type of spot such as an outdoor eating area or loggia located at the corner to monument the corner. As one moves closer to the entry at Cherrydale driving down Diamond Bar Boulevard toward Grand Avenue, the project is much closer to grade and the building setback from back of right-of-way is a minimum of 35-feet. These are very healthy setbacks well above most minimum standards for most typical zoning. Sections along the project edges such as mid-point locations, Section 4 is cut from Diamond Bar Boulevard with the uphill section showing the project considerably elevated above the street. Again, this area ensures adequate setbacks without allowing any buildings closer than 15 feet to the top of slope. In this case, at a minimum will be set back 125 feet away from Diamond Bar Boulevard. The slope planting incorporates indigenous, low water, drought tolerant plants as well as plants that will mitigate for the reduction of black walnut. Mr. Rogers responded to C/Shah that the elevation difference between the houses and the street is roughly 60 feet. The next section is the section cut along the edge of the project that joins Ambusher. The existing housing is below grade to the site. In this case the grade is being lowered to reduce some of the vertical between the two relationships. This is very unique to a standard imbedded in a project like this because a minimum 85 foot setback will exist along the edge to ensure adequate distance for buffering and landscape and so that the buildings do not create an incompatible relationship to the adjoining residential. One hundred twenty (120) feet of horizontal distance lies between the houses and the buildings and landscape screening will be used to enhance the edge. Again, these setbacks are above and beyond the normal setback requirements in a project of this nature. Mr. Rogers responded to Chair/Torng that there will be a fence between the trees. The upper south side neighborhood is well above the project. Section 6 at the midpoint of the project is well below that neighborhood. There is a huge setback distance both horizontally (184 feet) and vertically (60 feet) in this project relationship. The next section further up the street (Section 7) shows an even greater vertical and horizontal relationship with 365 feet between the existing residences and the project's buildings.

Mr. Rogers shared images of other projects that are similar to how he visualizes some of the key elements in the commercial center for the Site D Specific Plan.

VC/Nolan asked if the ratio of black walnut replacement ratio is based on the actual success rate or unsuccessful rate. CDD/Gubman responded that the ratio is not related to any estimated success rates and is a code requirement found in the Municipal Code that there be a 3:1 ratio for protected trees that are removed. The applicant may also be required, as a condition of approval, to enter into a tree maintenance agreement to warranty the survival of the replacement trees. For example, the City may require the applicant to replace any tree that does not survive during the first three years. VC/Nolan asked the ratio of successful replacement tree plantings and CDD/Gubman said it would depend on the quality

of the nursery stock. If the replacement tree is from a reputable nursery that employs best practices for cultivating trees and offering guarantees, then the likelihood of success should not be a concern.

Chair/Torng asked why the City would want to remove the 100-year old Eucalyptus trees and replace them with better trees. CDD/Gubman stated that the plan for the site with the commercial component compels the commercial pad to be lowered. The fact that the site is going to be graded necessitates removal of the trees. The Tree Ordinance focuses on protected trees – trees that are indigenous to this area. And what the City envisions is restoring the urban forest in the new development with climate appropriate trees. The Eucalyptus tree is not within that realm. Mr. Rogers further stated that if there were a way to realize the project before the Commission for consideration and maintain those trees, the project would probably have sought to do that. These trees have a life cycle and they are reaching the end of that cycle where they will no longer be vital. In fact, they may become more of a hazard over time. More importantly, he has done a number of projects wherein the Eucalyptus was retained and it is a tough task on flat ground much less on a hillside environment. If the trees were live oak that had an extended life period there may have been consideration for boxing and relocating the trees to the project feature and if the trees could be retained in their present location the project would have sought to do that. However, these trees are nearing the end of their life cycle and over time will be more of a problem than a benefit. This project attempts to implement current legislation to attempt to get a carbon footprint down. A lot of things being done in terms of water harvesting, plant selection, utilization of 50 percent solar, everything that is imbedded in current technology for purposes of meeting these goals, is a part of this project. He invited the district to use this project to measure the benefits of going in this direction. This project will be state-of-the art and raises the bar for what projects can be in terms of carbon footprints and meeting goals handed down by the state today.

Chair/Torng said he appreciated Mr. Roger's effort to create the site cross-sections for clarity which he requested and believes it helps to clarify and provide a better understanding of the project. He read a comment from Page 3 of the letter from Melony Paulson. She said "Part of the site could be a park. It might not be as large as some of us might like, but it would (be) better than acres of hot, desolate pavement that is now being envisioned for the site." In the final paragraph she said "Then, think about the plan I have suggested above. Think about an urban city center, a living, shopping, park space set into the natural setting of Site 'D'." So by looking at what has been shown on the plan, is there a possibility of incorporating a small park. Mr. Rogers said that naturally, there is always the possibility of doing a park feature. He liked the focus on an idea brought forward by CM/DeStefano to have a plaza in the corner near the flood channel. Perhaps the project could include a pedestrian corridor that reaches back to the main

commercial structures from that location. Maybe a park of a different nature that utilizes green space and canopy that extends a walkway system back from the corner with the loggia concept, an urban gathering space, and maybe that loggia concept is connected with the greenway that goes back to the main structures. What was envisioned by a Council Member was the inclusion of a trail system from Posado down to the back of the commercial structure. So what was envisioned in the Specific Plan is a very similar type of feature as is called out on the corner at the apex of the buildings where they join at the back of the property. And what might be considered is those two being like an urban hub with a trellis or shaded walkway system that connects those two hubs to one another as an urban park setting, which might accommodate some of Ms. Paulson's concerns.

VC/Nolan said she believed the raised separate pad off of Cherrydale at Diamond Bar Boulevard is potentially something that could be used for a restaurant. What is the size of that pad and what is the potential for an actual park in that area and perhaps 20-30 percent of the commercial area being removed and replaced by an actual park facility. She stated that the Commission has heard the concerns from the community again and again regarding a park and again, to speak to the social aspect of this area. Mr. Rogers said that naturally, that is an opportunity that has not been explored at this point. What is located in the corner is a water quality feature/ambient open space. If there is a grassy swale that functions as a water quality feature they usually like to associate it with other open space to get a benefit from both being next to each other and the expanded idea. Corners are important places in commercial projects in terms of locating restaurants or banks on free standing pads. The more critical of those is probably at the intersection of Diamond Bar Boulevard and Brea Canyon. He believed that the concept as discussed is imbedded in the plan but certainly this would make for an opportunity to have a park feature that could be used by both residents outside and inside the area. VC/Nolan asked how much area of the swale would be needed to make it a designated park area in acreage off of the commercial portion. Mr. Rogers said it was a pretty tough question to answer on the fly because it is a function of programming. If it is seen as not having active uses but being a tot lot, seating area, passive shade structure, etc., it might be a two-acre site. When one gets into active facilities it begins to expand to five acres and certain municipalities require different sizes for those uses because the City would usually be responsible for the maintenance. A smaller venue that would be more appropriate to the plan of residential/commercial features would accommodate a one or two acre facility in that corner benefitted by the other adjacent features such as setbacks and water quality elements that would help to expand the usable area.

Chair/Torng asked if the Commission could recommend inclusion of a park feature and CDD/Gubman responded yes, if that is the direction the Commission wants to go he would suggest that it be incorporated into the recommendation to the City Council. Since there is a draft resolution prepared for the Commission and if the

Commission is in agreement with that draft resolution with the additional provision that a park element be incorporated staff could come back on May 11 with a revised resolution for adoption. Or, the Commission could take a short recess and craft language this evening if that is what the Commission would prefer.

RECESS: Chair/Torng recessed the meeting at 8:40 p.m.

RECONVENE: Chair/Torng reconvened the meeting at 8:45 p.m.

SE/Yee and Consulting Traffic Engineer Steve Sasaki provided information in response to questions and comments raised at the April 13 meeting, as well as written questions and comments regarding traffic. SE/Yee stated that he would collectively address the questions and comments by category.

SE/Yee responded to a comment raised regarding whether or not cumulative impacts of the proposed project were adequately addressed in the traffic study. The traffic study did indeed address several proposed projects listed including residential development in The Country Estates, Diamond Hills Plaza (formerly the Country Hills Towne Centre), the Industry Business Center/Stadium and the Aera Energy planned community. Specifically, the resident raised an issue with respect to the stadium and the traffic study for Site D began prior to when the stadium EIR was approved. However, the traffic engineer who prepared the Site D study assessed the current information available with respect to the stadium EIR and it was determined that the appropriate approach would be to look at the prior development proposed for the stadium site which is the Industry Business Center and to look at the impact to the peak hour travel times. Ultimately, this resulted in looking at the am/pm peak hour trip forecasts and the conservative approach is to the use the Industry Business Center traffic forecast because it generated much higher forecasts for the am/pm peak periods. Second, there was a concern about the H-Mart. As previously mentioned, the H-Mart is part of Diamond Hills Plaza and was addressed in the study with respect to trip generation forecasts for that and other retail establishments in the plaza. Third, there was a comment regarding school area circulation and Castle Rock Elementary access concerns and wait times for student drop off and pick up. Essentially, this is a situation that occurs throughout Diamond Bar and in fact, with many communities in Southern California. The City experiences high levels of traffic during very specific timeframes in the early morning and early afternoon hours. The City has addressed this issue uniformly throughout the City by working closely with the Sheriff's Department and school districts to monitor those situations and to proactively address operational improvements that can help with circulation during peak hour drop off and pick up. Chaparral Middle School is a good example of collaboration among the City, Sheriff's Department and school. Staff was able to establish one-way circulation routes; post additional regulatory signs, etc. Those types of actions have proved successful with regard to addressing school area

traffic. Fourth, there was a concern expressed about the general ingress/egress because there is a proposal for 202 dwelling units and the comments contended that there should be 404 trips associated with peak hours. However, the analysis procedure that was followed in this traffic study is a procedure that is commonly followed in the industry. The traffic engineer used the Trip Generation Handbook published by the Institute of Traffic Engineers which is universally used for assessing impacts and determining trip generation rates. These trip generation rates are based on land uses and in this case, there was a component for the residential portion and a separate trip generation forecast for the commercial/retail component. As a result, 154 trips were considered to be the outbound A.M. peak hour number of trips from the residential units. Staff is confident with the methodology used in this study.

SE/Yee said that several individuals commented on particular intersections that were not studied in this report. One intersection referenced by two different individuals who offered comments was Brea Canyon Road and Copper Canyon. The report studied a total of 20 intersections in the vicinity of the proposed project with the farthest intersection being Grand Avenue at Diamond Bar Boulevard. The traffic engineer who prepared the study looked at several criteria for selecting the intersections such as whether or not there would be more than 50 trips added to a particular intersection as a result of the project; whether or not the intersections were signalized, whether or not the intersection is an arterial to arterial intersection, arterial to a collector road intersection, or a residential intersection. All of those factors were considered and evaluated in determining which intersections needed to be included. Based on the criteria, Copper Canyon was deemed not necessary to be included in the study. Copper Canyon is a T-Intersection between an arterial and a residential collector street, it is currently not signalized, it is a single stop intersection and the intersection approach generally serves right turns in and right turns out. There are mitigations recommended in this study for the next intersection downstream from the project (Brea Canyon and Silver Bullet), which is an intersection that requires a fair-share contribution by the development to restripe and install an additional lane of traffic and to modify the traffic signal to improve flow through the intersection as well as, general traffic flow along Brea Canyon Road. That in combination with the determination to exclude Copper Canyon from the study was felt to be appropriate that the downstream mitigations would address any additional concerns. The last comment received addressed the relevance of the Traffic Study data. There were several concerns with the date of data collection versus present day. Data was collected in 2007 and much of this Traffic Study report, as with any traffic study report has impacts and mitigations based on future forecasts. In this case the study was based on a 2030 year traffic forecast, the critical numbers used to determine ultimate mitigation. Again, it was deemed appropriate to use the data that was collected because the critical data and forecast were still relevant for determining mitigation for this project. SE/Yee addressed Chair/Torng's request for additional information

related to the volumes for the project with and without the project by showing a slide that showed actual traffic counts for AM/PM peak hours for the intersections. There was also a question about fair-share contributions.

Steve Sasaki, Sasaki Transportation Services, highlighted a question about use of fair-share as a mitigation practice. He confirmed that fair-share mitigation is an accepted mitigation procedure which serves to create a firm nexus between the project impacts and the required mitigations so that the City is able to offset the project impacts through use of a fair-share vehicle. It is also a way to satisfy the City's adopted Traffic Study Guideline procedure. Within the Traffic Study Guideline there is a requirement for fair-share contributions and the fair-share mitigation serves to satisfy the guidelines. Within the mitigation measures themselves there is an opportunity to provide a fair-share or actual construction of improvements and whichever method is selected, would need to be done to the satisfaction of the City Engineer. Within those parameters the City has a very solid mitigation program to offset the project's impacts.

VC/Nolan said the A.M. traffic trips indicated were 154 trips and she assumed that would be mirrored for the P.M. trips. SE/Yee explained that they would be different based on the methodology. Mr. Sasaki explained that since there is a combination of both residential and commercial uses, the residential is pretty much as stated as those going out in the morning tend to come back in the evening so that is fairly balanced. However, with commercial, typically there will be a lower A.M. trip generation and more trips generated in the P.M. The net trip generation is 272 in the A.M. peak hour includes both inbound and outbound vehicles. For the P.M. it is actually 650 peak hour trips (332 inbound and 318 outbound). When there is a mixed use of residential and commercial, obviously some of the people who live on site are going to shop at the adjacent commercial and most likely that relationship is a lot higher than some residential away from the project. Individuals tend to shop at the closest location. There can be and is often a reduction to account for the internal synergy. This particular study was done on a worst-case basis so it did not make those reductions. In attempting to create the envelope and looking at what mitigations were needed, that is one factor that makes it more of a worst-case analysis that that particular reduction was not made within the trip generation analysis. So the numbers shown are essentially worst-case. SE/Yee clarified to VC/Nolan that out of the 154 trips outbound A.M., 75 of those trips were associated with the condominium development and 79 were associated with the retail center.

C/Shah asked if a nine percent increase in Diamond Bar Boulevard and Brea Canyon Road P.M. traffic was a moderate or significant impact. Mr. Sasaki said that for Diamond Bar Boulevard at Brea Canyon there were impacts that were identified within the traffic study and then there were also offsetting mitigation measures so it would be considered a significant impact that was identified

through the traffic study within the EIR. But then also there were mitigation measures that were identified that would fix or offset those impacts.

Chair/Torng asked at what point – two percent or four percent - a fair-share contribution would be required. SE/Yee responded to Chair/Torng that the City's traffic guideline in general refers to a greater than two percent impact would kick it into a category of needing mitigation. The guidelines also indicate that if the City determines that an impact less than two percent is judged to be significant it would enable the City to require mitigation even though it did not meet the two-percent requirement.

Chair/Torng asked staff to comment further on the impact to Copper Canyon because he believed it would be very difficult to make a left turn at the peak hour. Mr. Sasaki said it was an advantage to have an internal connection and the signal at Silver Bullet presents an opportunity to make a left turn under signal control. In the P.M. drivers make left turns from Brea Canyon into the development so if someone is traveling southbound on Brea Canyon, residents do make a left turn in but that was not viewed as problematic. Chair/Torng asked if striping could be added to help the residents. Mr. Sasaki said it was not determined that there was a project nexus. There may be over time that residents would ask for improvements from the City to help improve ingress/egress at that location but that would be separate from this project. Chair/Torng asked if they would go to the Traffic and Transportation Commission and Mr. Sasaki said he did not know what the process was for that in Diamond Bar but obviously, the project does not have ingress/egress through that side street. So it is viewed as more of an issue related to the neighborhood which very well could be legitimate and could be pursued for improvement. As far as the study, it is viewed as something separate from the project.

CDD/Gubman said that the reports were completed and staff would respond to further questions.

VC/Nolan asked how the number of new homes for this project compares in general to new home development over the past five years as it pertains to overall traffic impacts citywide. CDD/Gubman responded that a total of 237 including the Brookfield development which is about 186 attached units from 2005 through 2009 based on the number of Certificates of Occupancy issued. VC/Nolan asked staff to elaborate on the issue of entitlement about the importance of how staff certified this EIR as opposed to if the land was purchased and an EIR was done post sale. CDD/Gubman said he touched on this matter before. Having a Certified Environmental Document in hand and having some certainty of the entitlements in terms of the land uses, the density, number of units and amount of square footage, if that approval is already in hand it will add value to property when it is marketed because the developer is not assuming that risk upon purchase.

VC/Nolan asked if there had been thought given to a park and recreation area in the form of a portion of this land being taken out of the sale and dedicated to the City of Diamond Bar for park and recreation use. CDD/Gubman asked if VC/Nolan intended that the commercial and residential mix would be retained but adding the park component and VC/Nolan responded "adding the park component even as part of the development and requiring that the developer create a park or just taking a certain acreage out of the equation completely." CDD/Gubman said that would be a discussion at a higher level but if it is the Commission's recommendation to have that park feature added to this Specific Plan he would presume, given the fiscally cautious approach the City takes on all matters of City business that the City would require the subsequent developer to construct those improvements and dedicate that to the City for public use. VC/Nolan asked if it would make the project less feasible or desirable for a developer to come in if that is a requirement and CDD/Gubman said he could not really answer whether it would be less feasible. The sale price of the property would be affected if that was a feature that the developer was obligated to construct and there may be other funding tools that could be used such as adding what you might call a "door charge" on the residential units that would be payable to the City because the park would reduce square footage by potentially 80 cents to $1 dollar of foregone sales tax revenue. As a result, the City may look to require some sort of fee to offset that loss of revenue stream from the residential units. With all of those factors taken into account, yes, the price tag on the property would reflect that requirement as any other development requirement would also affect the price tag. VC/Nolan said in that regard is there not already a fair-share amount toward park service per dwelling unit or per envelope and CDD/Gubman responded affirmatively and indicated that it is called a Quimby fee and for every development unit there is an assessment that is payable and what he is saying is that the City would look into exacting an additional fee from the residential development to offset the fee of reduced sales tax revenue that would be required to accommodate the park. CDD/Gubman said he was not suggesting that the fee he is talking about is the Quimby fee, it is something in addition to the Quimby fee to serve another purpose but it is the purview of the City Manager to determine how to manage the City's revenues and expenses. There will be a loss of sales tax revenue and there will be maintenance costs inherited with the addition of a new park facility so the City would look at some means to offset those costs. VC/Nolan said and those funds would go directly to this project site specifically as opposed to the assessment for dwelling units which could be disbursed throughout other parks in the City. CDD/Gubman said the funds would go into the General Fund and through the budgeting process the money would be allocated. VC/Nolan asked the potential length of a project like this from beginning to end when one considers inconvenience of construction, construction hours, a particular concern of hers with hours noted from 7:00 a.m. to 8:00 p.m. Monday through Saturday. CDD/Gubman stated that Mr. Rogers may be able to elaborate more on that issue but it would probably be a 12-18 month process from permit issuance to having

pads ready for actual construction of buildings. Mass grading may take about six months. Speaking from experience with construction hours he has worked in communities where the noise regulations allowed construction to begin at 6:00 a.m. and as the community developed and the new development sites were starting to be surrounded by populated development sites and there was beginning to be an impact on new residents the City looked at having the noise ordinance revised to require later construction hours and the hour was set at 7:00 a.m. He worked in another community where the construction ordinance was 8:00 a.m. and as development activity increased there was pressure from the construction industry to allow an earlier start time and it is really a matter of coordination with all of the trades and how the industry operates. There are concrete batching plants that are mixing concrete that has a short shelf life and that material needs to be delivered before it gets too hot; there are delivery trucks dropping off lumber and they are trying to make their rounds and then as construction starts later in the day and the weather is warm, the end time is not necessarily later in the day so it shortens the duration of the work day so that could potentially lengthen the construction period. So the balance seems to gravitate to 7:00 a.m. which seems to be the earliest that the building industry can really continue to do business under and it is seems to be the earliest tolerable time for surrounding residents. So 7:00 a.m. seems to be the universal standard. VC/Nolan asked staff's experience on surrounding property values for a project like this. CDD/Gubman said there is probably data to show that a new development going in will positively affect the comparable values and square foot values on older homes. As the homes are newer it may have less of a positive effect but it seems to have generally a positive effect on property values. With a commercial development that is less certain and so that is a question of compatibility and sensitivity to adjacent uses so taking that into account is what led to the increased setback requirements and other screening requirements to try to focus the use in a location that is farther away from residential development.

Chair/Torng asked staff to comment on Mary Rodriquez concern about ground water flowing under the houses that sit on the slope at Cold Spring Lane and what would be done about the flow of water without disturbing the housing above. Peter Lewandowski stated that as indicated in the EIR, the geotechnical analysis was at a programmatic level in the absence of a formal design plan. But subsurface investigations were conducted and groundwater was encountered at a depth of 37 feet. Grading activities are not anticipated to encounter ground water as part of its operations. And as part of typical grading procedures and practices, further geotechnical review will be required at the building permit stage once final development plans are finalized. To the extent additional geological conditions are identified those will be composed as conditions of approval on subsequent development projects. The subsurface ground water is not anticipated at this stage to result in significant impacts to the project moving forward.

Chair/Torng asked the school district to comment on for what the proceeds of the sale of this land can and cannot be used. Jack LeBrun, Assistant Superintendent of Business Services, WVUSD, responded that the question regarding the use of any type of capital outlay proceeds has to go back into the district's capital improvement program. Currently, the school district is not allowed to use proceeds to pay for salaries or ongoing operational expenses.

Chair/Torng asked for a more in depth explanation about the 1991 DBIA resolution and why that is not a consideration. CDD/Gubman explained that the DBIA Resolution that was passed in 1991 did formally record the position based on survey information that a park is a preferred development for that site. Certainly there has been public testimony that is indeed still the preferred alternative of many for this site. He would just have to go through a few points to respond to that. The first would be that subsequent to that resolution was the City's adoption of the General Plan in 1995. The General Plan does not identify Site D as a park. It retained, I would say, an inconsistency between the General Plan and zoning designation but it was not formally established in the General Plan as a potential park site. Prior to that, there was a grant application submitted by the City to secure funding for a park site and there were two locations under consideration: 1) what is currently Pantera Park; and 2) Site D. The funding was approved for Pantera and not approved for Site D. So that window of opportunity, the best opportunity to see that (a park) happen was when the grant application was submitted but it was approved for another site. Subsequent to that and after the General Plan adoption in 1995, there were improvements to Heritage Park and there were improvements to Castle Rock Elementary School keeping in mind there is a shared use agreement between both the WVUSD and Pomona Unified School District (PUSD) for school facilities to be used by Diamond Bar residents. Finally, the Parks Master Plan that is currently being completed and will be presented for City Council consideration does not include Site D as a potential park site; it does, however, include future improvements to both Heritage Park and to Castle Rock Elementary. So in that entire timeline the City has not taken a formal position or adopted a policy to designate or to plan for Site D as a public park. And finally, the MOU laid the groundwork for crafting of the Specific Plan. The basic criteria indicated 50 percent commercial and 50 percent residential and under the MOU there was no remaining percentage for a park use. Having said that, if the Commission is leaning in the direction of incorporating a park component staff can help formulate the recommendation to the City Council and staff believes that doing so would not affect the environmental analysis or fundamentally affect the Specific Plan.

Chair/Torng asked for deliberation and input from individual Commissioners.

C/Lee said his comments have been spoken loudly by the residents and he believes his colleagues believe the Commission's function is very limited. The

Commission's function is to listen to the people and bring their issues and concerns and discuss those issues and concerns and make an informed decision. The decision should be for the people and not for someone else. Also, the EIR is great and he listens to the people and agree with them that it does not go far enough to answer the residents' worries and concerns. The concept and implementation of the Site D Specific Plan looks great and appealing but he believes that professional companies have the money and technology to have a much respected profession like the City's consultants. But the residents have only five minutes. They have limited time. Most of them work and do not have time to prepare this type of appealing presentation that we have seen tonight. But he believes it looks great and is a very good presentation but the facts do not change and the facts do not lie. The fact is that the City has enough retail space already and when he moved to Diamond Bar it used to take five minutes for him to get to the project area down Diamond Bar Boulevard and now it sometimes takes 30-40 minutes. One resident sent him an email today that stated "Diamond Bar is a virtual parking lot." And C/Lee thinks this is a temporary virtual parking lot but Diamond Bar does not want a long term parking lot. That's his one comment. Also, the EIR is pretty good but EIR is not everything. If there is a concern or problem the EIR writes down that everything is fine and can be mitigated. He does not believe that the EIR is a panacea. He understands there are professional reasons for this project and he really respects the professionals. He does not want to give any disrespect to them but even though they are professionals they do not know the residents and if they live here they know better than anyone else. So if the residents say there is a problem and this project will lead to negative impacts to the community then he really respects the opinion of the residents. Sometimes higher technology and speech does not make sense. Why does Diamond Bar need more cars? Sometimes it does not make sense. Again, he really respects his residents' opinion and concerns and their worries and their effort and energy to come down here to express their ideas. And his job is to represent them and in this instance, if it does not make sense and does not help the community he believes there is no reason to modify or compromise the project. Sometimes when we say no that makes for a better future.

C/Shah thanked staff and the consultants for a great presentation. He apologized to his fellow citizens that he has to say no to further comment because if the public hearing is opened again it may open up that issue over and over again and the Commission will never get to its final decision. He takes this business very seriously. At the same time he wants to make sure the process continues in an expedient manner. At the same time we will do justice with the problem at hand. He is keenly aware of the environment, neighborhoods, and needs of the people and the aesthetics of the neighborhood. Really at this point of the debate at this time is that the land belongs to somebody. Somebody wants to sell their land. And the issue brought to the Planning Commission includes five or six items and one of the items which is major is a General Plan amendment to change the land

use. If it is left the way it is, what will a new property owner do, and in the interest of the City, the City decided to go into a MOU with the School District which states 50 percent residential/50 percent commercial. So with that background, the Commission has to look at the overall picture and long range plan. He understood that people want new things. He spent his time in transit and he has seen a lot of NIMBYs—they want mass transit, but "not in my backyard." The same is true here and we do not progress in our City, there will not be a computer, there will not be a new automobile, there will not be a new society. So we need to move forward. We can't just say "leave the land as it is." With the given plan, we have tools to work at it. One of the tools is the EIR and is the tool right now at hand. It talks about goals and objectives, long term horizons, tax implications and predictable outcome. Ultimately, the bottom line is what this entitlement does, it adds value to the property. And we are all in the business – people are in the business of ultimately wanting to add value to their properties. Considering all of these factors there are a few things that come to mind which the Commission should consider. His concerns with the plan are cut and fill. You can cut and fill without having to import or export dirt to maintain the natural environment and to develop this plan it needs to be developed so that its environment is park like. One potential discussion was that the City could develop the park but a small part of this 30-acre parcel. Not a bad idea recommended by his colleague. He would be of the opinion that a future developer be allowed to develop in a park like environment meaning what he saw today as planned and shown does provide more like a park like environment more than a piece of land somewhere in the 30 acres—one acre, two acres, three acres—because it boxes it in. When there is a commercial and residential component nearby people may not feel comfortable using it as a park. The City has Heritage Park nearby. There is a school nearby where people can use that area. Though he is more willing to put in language the City is better off leaving it to the future developer, but established criteria that the developer must have a certain percentage of open space for the overall size. He does not know the percentages required in Diamond Bar but that is the question he will be asking. So considering all of the facts, he does want his fellow citizens to feel that the Commission and staff does its job and the important thing is that he wants the City to progress in such a manner to make sure that what is done today is a move forward for future generations. He is open to other considerations but knowing what he knows today the matter at hand is to examine the EIR and whether to recommend or not to recommend.

VC/Nolan felt the EIR was not an end-all/be-all for this project. It is a tool to use to come to a decision about what is best for the community at large, for the whole City of Diamond Bar. It is true that the WVUSD has a right to dispose of this property. Is it to the City's benefit to approve this EIR and obtain the entitlement so the City has more of a say in how this will move forward. She disagreed regarding the open space. She believed the property had approximately 8 or 9 acres of open space which is also considered easements, rights of ways and other

open areas. She wants an open green area. She wants a park like setting. She wants a place for people to take their dogs. And again, she thinks it could fit nicely with the type of community – the retail, the commercial community, that this has envisioned. She thinks there is space for both. This is a blank slate. The City has the opportunity to make this what the community wants to make it and to set the ground rules. Her question for staff is, would it be best for the Commission to come back to this issue after looking at whether a park area is feasible. She does not feel comfortable moving forward with the term "park like."

CDD/Gubman said that during the break he drafted language that could be incorporated into the resolution to recommend approval of the Specific Plan and the Tentative Tract Map. If the Commission would like he can read the language to see if it is consistent with the Commissioners' vision and if so, it can be incorporated in a motion to adopt the resolution with the provisions as recommended.

C/Lee said that if you insinuate or leave it as some unidentified area, the Commission needs to decide the item but he (CDD/Gubman) says he wants to give a suggestion to.....Chair/Torng interjected and said he thought CDD/Gubman was responding to VC/Nolan and make a suggestion for her to consider. C/Lee said maybe this is inappropriate because it is illegal for the Commission to insinuate a decision for a certain area. Chair/Torng said that right now it is a discussion and as you may recall, VC/Nolan just made a suggestion about a park area.

ACA/Wohlenberg said that there are always staff's recommendations on items before the Commission and he believed CDD/Gubman was attempting to react to comments to provide language that would move toward that goal. But he does not believe it insinuates any sort of predetermination of the Commission's action or trying to restrict the Commission to a particular action. The Commission has wide latitude to approve or deny or approve it with different modifications or change it. It is merely an attempt to fulfill all usual role and suggest language that would reach the goal that one of the Commissioners was proposing.

C/Lee felt that all of the Commissioners should make their comments and then CDD/Gubman could read his recommended language and then the Commission could deliberate. That would be his recommendation.

VC/Nolan asked her colleagues if she was out in left field or, did she have the support of her colleagues being on board with this.

Chair/Torng felt that development of a new site is generally not a very popular decision to be made. As a Commissioner he understands the residents' points of views and shares their frustration in many aspects. However, as a Commissioner,

he and his colleagues must understand their role as a decision-making agency and keep the objective in mind and endeavor to balance as a principal the economic, legal, social, technological and other benefits of a proposed project against its unavoidable environmental risk in determining whether to approve a project. If it cannot concur that legal, social, technological or other benefits of the proposal outweigh the unavoidable adverse environmental effects, a diverse environmental effects may be considered acceptable. Based on the project there are some unavoidable air quality impacts that cannot be avoided but most of the other issues including the major ones such as traffic and landscaping issues have been mitigated to a less significant level. As a Commissioner serving more than eight years he really trusts that the staff is working extremely hard to make the City better every day and he commends staff for doing such a good job in responding to all of the questions, comments and concerns raised at the last meeting as well as through the emails and letters. He also believed that the consultants' technical expertise will make sure the mitigation measures will work to make this the best possible project. From a benefit standpoint he believes the City needs the tax revenue and the school district needs additional funds to support school activities. And he feels it is important to maintain a healthy City and school district because both will be a cornerstone of this community. A prestigious City with a prestigious school district will for sure maintain the City's quality of life and housing values, etc. The City's plan is a level A plan and is not the final development plan. But with a Specific Plan, the City is able to set some important guidelines for the future developer. He felt it was very important for the City to set limits and make sure the best designed project will happen at Site D. He supports recommending inclusion of a small park area in the commercial development area and let the City Council make the final decision. And as he mentioned when he quoted a resident's comments, he felt the comment that she hoped it will be an urban city center with living shopping and park space set into the natural setting of Site D fit what he was trying to convey.

VC/Nolan asked if the Commission should hear staff's recommendation for the language to include.

C/Shah said his reference to a park like atmosphere was in support of an environment and the developer should decide how to include that option. He was thinking more on the order of unspecified open space areas where people can congregate. Second, the Commission is not considering the appropriateness of the MOU which has already been established with the relationship between the City and school district. One thing he wanted to add to his comment was about the trees and perhaps the City should consider having an arborist to review the trees when the development occurs to advise the developer and the City whether those trees could be saved or what could be done. His last comment is that this should be a showcase solar energy efficient project for the City.

VC/Nolan said that regarding a park and regarding a specific location for it, she did not believe in leaving it up to the developer, she did not want to take away necessarily from the residential area. She likes that part of the plan. She thinks even regarding parking or a small park would infringe on a residential area. She would like to see something along Diamond Bar Boulevard, along Cherrydale something that is not just specific to this project but for the community at large. The south end of Diamond Bar has Heritage Park and schools but to her it is lacking in this area. And she would like to see something more specific and she is not even sure if a change in language right now would suffice. There's so much put into the actual drawing, the grading, the specificity of the commercial and residential, but to just toss in a plot for a park seems a bit of a rush.

C/Lee said he concurred with VC/Nolan. He loves parks. And he means it since he moved down to Diamond Bar that area location was allocated for a park. He likes parks. But he does not like building commercial and houses and taking a small area for a park. It is a very complicated process if you want to get a park. He wanted to make sure about VC/Nolan's intentions. He does not think that is the idea of the residents. And sometimes we need to give them open space and sometimes the City does nothing and then gives it to somebody else. Our kids – the next generation - that's the issue right now. I always believe that development is good for developers. They come down here to our City and whatever they say and give you in a presentation or fancy words doesn't matter. The relevant fact is that development of Site D shouldn't be – wouldn't be good for our residents. That is the truth. And one does not alter or deviate it by other fancy words. That's my second comment.

Chair/Torng said that regarding the park addition it belongs to the Specific Plan under the third resolution. CDD/Gubman indicated that Chair/Torng was correct but he would advise the Commission not to make any decisions on any of those three recommendations until the Commission discusses its intent for the park provision because depending on what the Commission's intent is it may or may not have an effect on the language of the Specific Plan or the Environmental Impact Report. So he really believed the Commission needed to discuss this matter before beginning its process of making decisions and motions on any of the resolutions.

CDD/Gubman referred the Commissioners to Resolution 3 to recommend City Council approval of the Tentative Tract Map and Specific Plan and offered the following language on Page 3 which begins the resolution section. On Page 4 he suggested that a subsection "f". be added: "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 sufficient size to incorporate features such as, but not limited to, a tot lot, picnic tables and shade structures." This would be supplemented by a Tentative Tract condition to require

the Final Map to include a lot that delineates the boundaries of the park as prescribed under that new subsection that he previously read.

VC/Nolan said that since the Plan is already specific on acreage for commercial and easements and things passed already, delineating the size is not recommended? Or the location of it as opposed to being in the commercial area rather than the residential. CDD/Gubman said that if it is VC/Nolan's desire to recommend that level of detail he may have to confer with the EIR consultant and City Attorney to see if staff needs to go back and look at the environmental document to see if that would lead to more changes because the language he proposed to her just now would not mandate any changes to the EIR. The more precise the Commission wants to get, the recommended provisions still may be immune from any changes to the EIR but he thinks staff would have to study that further and come back to the Commission.

Following staff deliberation, CDD/Gubman stated that the staff's discussion had to do with specifying a size and location and the agreement was that if the Commission wishes to specify a minimum size of the park it would not affect the analysis and EIR. The EIR does analyze a maximum intensity and density scenario for residential and commercial so adding a park component would potentially reduce the intensity of the commercial development but certainly not increase it. It may reduce the traffic impacts because the park component may generate some off-peak trip generation. Staff does not see any compromise to the EIR. However, the location is problematic at this point so if the Commission were to include a location at this time the recommendation going forward to the City Council would not be in compliance with the Level A Plan before the Commission. The limit would be specifying some of the programming and size without the location.

C/Shah recommended the park be no less than three-quarters of an acre or about 30,000 square feet or something like that so that it does not involve changing the EIR.

C/Lee asked if he could make a motion to continue.

CDD/Gubman said again, the issue staff is struggling with is whether or not the Commission is intending to specify a location because that would be in conflict with the A level Specific Plan designations for commercial and residential. If the Commission wants to go into more specifics about aggregate park acreage or aggregate acreage with a minimum per park site within the plan, staff can help formulate that language in the resolution. Staff needs to re-emphasize that getting into the specifics of a location would not be consistent with the Draft Specific Plan staff is presenting to the Commission.

VC/Nolan said that to do this tonight she does not know. She is going to be back here in a couple of weeks so for her this is not a problem for the Commission to continue this if it is something that has to be more formulated, there's got to be more thought given to it. For her to pull out I want 2.25 acres designated to this...She wanted something. They talked about the gateway – the view of the City at this location and she thinks that has to be something like a park like setting. She is not saying the corner of Brea Canyon and Diamond Bar Boulevard but something along the line that preserves that visually pretty area that is visible to the community to someone that does not live there is not necessarily going to walk down the path which she thinks is a great idea to this area but someone will take their kids to what is on the other side of town or on the other side of Diamond Bar Boulevard. She is just not real comfortable. She does think that again, as it pertains to the EIR she does not necessarily think, like CDD/Gubman says, it is going to change that up a lot but she thinks this is just too big of a change to the Specific Plan to not consider all of the three elements together.

Mr. Rogers said he keeps coming back to the process that the City is in which is an A level and B level map. A saying in the business is "The devil is in the details" and it truly is. The details, in terms of configuration on these properties have not yet come forward. The intent was not to, as an applicant or through the school district to try and design the project specifics. The wonderful thing about this process because this is what we have been doing on the Irvine Ranch for decades, is that we create this envelope or umbrella under which we understand how setbacks work, how development standards work, thresholds in intensity, to get the process past some of the bigger meatier parts. He kind of agreed with VC/Nolan, but in the sense that trying to deliberate on the location and specifics of the park in this setting is a tough call. When VC/Nolan asked "how big a park" well, it's programmatic and C/Shah's comments about three quarters of an acre minimum – those are all the kinds of details that quite frankly he thought were borne out of the B level effort. He said he was not trying to defer it and he was not trying to shrug the responsibility of doing this but he was suggesting that an applicant that comes to the City with a commercial plan, in the creativity that he can elicit in the process of working with his architects and landscape architects with the mandate that the City might set forth at this A level might be a more productive venue for the Commission to vet these issues and get into those details with him and really force it out at that level because that is where he thinks it is most appropriate. The problem is if we just plop a blob in there and say a park has to be right there, maybe what we're doing is we're inhibiting the creativity of the future applicant at the B level. So with that in mind, and remember, that is the most substantive part in terms of this issue. Where is the park located? Well, a lot of things have to be developed in an understanding of that commercial site plan to discover that and he would believe that the City might be doing a disservice to the future purchaser of that property to make all of those decisions in advance. Maybe it is good enough that there is a performance criteria overlaid on this

project. He said he appreciated that VC/Nolan wanted to get to certainty and the predictable outcome that he keeps talking about but perhaps it is better at the next level.

Chair/Torng said that actually in a way he concurred with staff's response on this because actually, the location you suggested by VC/Nolan at Cherrydale, he does not like that idea. He likes Mr. Roger's suggestion for the idea of the corner of Brea Canyon Road and Diamond Bar Boulevard. At this time the Commission is not going into the details and he believed that was a level II or Plan Level B, and right now the Commission is at Level A. Chair/Torng asked if the Commission could accept C/Shah's recommendation for a three quarter of an acre minimum with the location to be determined because he has a different opinion that VC/Nolan.

VC/Nolan said she did not think it so specific, she thinks it is more general than specific. I just would like more thought put into it. We have 50/50 percent - I don't know if any third grader could come up with that figure but I would like to think there would be something that is more concrete regarding size, regarding location, that is just not random. This is why we are doing this so we can be on the front end of what we want. And maybe I am the only one that wants it and that would be fine. But she just thinks it is just still too obscure.

Chair/Torng asked that based on what VC/Nolan said what is the best that staff can do with the current plan? CDD/Gubman said at this point he would suggest that the Commission continue the matter because he needs to discuss this further with Counsel because he is not sure why a location cannot be specified and he needs to have a better understanding of why? Because this is still a recommendation to the City Council and the City Council is going to give the final direction on what changes, if any, are incorporated into this planning document. Right now he would suggest that the Commission continue the matter to May 11, 2010, and give him a chance to consult with the City Attorney and with the consultants and come back to the Commission with more developed guidance for formulating the Commission's recommendation.

Chair/Torng said that for him his location is different from VC/Nolan. He does not like her location so he does agree that this is something that the Commission should set the requirements that it wants a park and wants to put that into the plan and let the developer know so that they have to create something – a park, for this location. AC/Wohlenberg said that the discussion would be whether or not the City can specify a location. And then that would be something the Commission would have to debate at the next meeting and decide if you want to specify a particular location or not. There may be three votes for that, there may not be. But we want to make sure we can or cannot let the Commission recommend a specific location.

VC/Nolan said she did not necessarily say it would have to be at that corner. She just would like some research done on it, some thought put into it. I mean if staff has an idea now that would be great too. She did not mean to insult anyone by saying that any third grader could come up with the 50/50 percent on this but it just seems – I would just like something a little more concrete and still give a developer leeway. But something that we have more envisioned. I just don't think we're being specific.

C/Shah stated that he felt that given the opportunity for Plan B and let the developer come in the future and present a location and the Commission will get another report at that time because the Commission will see the entire picture. Right now we are seeing just three lots there and we do not know how they are going to develop them. He stated that he likes the idea of Mr. Rogers that leave it to the future developer; and maybe we should just identify the need for the park. He stated that he is of the opinion that maybe we should establish some criteria – any area and the criteria you describe – tot lot, etc., but leave it for the future and the Planning Commission will get an opportunity to debate and decide. But at that time the Commission will have a better picture because we will know what other things are being developed in the area. We will have better information. He recommended not to insist on location at this time, but just insist on a park and an area of that park so at least we have areas (i.e., acreages) identified for the commercial and areas identified for the residential pads so let's identify the area for the park.

C/Lee said he concurred with C/Shah's idea – a portion of it. Let's move on.

C/Shah moved, Chair/Torng seconded, to Adopt a resolution recommending that the City Council certify the Environmental Impact Report, approve the Mitigation Report 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. Motion carried by the following Roll Call vote:

AYES:	COMMISSIONERS:	Shah, VC/Nolan, Chair/Torng
NOES:	COMMISSIONERS:	Lee
ABSTAIN:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	Nelson

C/Shah moved, VC/Nolan seconded, to adopt a resolution 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) and Neighborhood Commercial (C-1) to Specific Plan. Motion carried by the following Roll Call vote:

AYES:	COMMISSIONERS:	Shah, VC/Nolan, Chair/Torng
NOES:	COMMISSIONERS:	Lee
ABSTAIN:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	Nelson

The Commission discussed continuation of Recommendation 3 and CDD/Gubman proposed modified language to reflect the Commission's request.

CDD/Gubman reiterated "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 sufficient size to incorporate features such as, but not limited to, a tot lot, picnic tables and shade structures, and shall be a minimum of three-quarters of an acre.

Chair/Torng asked if the Commission could make it one acre. Why make it three-quarters of an acre? CDD/Gubman said that is what he heard before so if he misunderstood...C/Shah said no, an acre is fine.

Chair/Torng asked the Commissioners to remember this is Plan A with certain guidelines. If the Commission starts to get into a specific location it would become a different plan. He liked Mr. Roger's idea about integrating a park with the location with an eating area with a park surrounding it. It looked to him pretty good. But VC/Nolan's idea is at Cherrydale so then it would require a little more detail to justify it. VC/Nolan said it was not specifically Cherrydale. She knows she brought that up. But it is something, again, an entrance viewpoint for the City that when people drive down Diamond Bar Boulevard they see a park, that the residents see a park and that it is visible and usable for the community. She stated that she thinks an acre is a little small, is looking at this to some extent from the perspective of a mom.

Chair/Torng asked if there was any more discussion. ACA/Wohlenberg said staff had one more change to read into the record. CDD/Gubman said he was reminded that the Commission discuss multiple locations with an aggregate size so he wants to make sure he understands so that staff provides the Commission with the language. So do we want it to say "park area or areas with an aggregate size of at least one acre? C/Shah said he was of the opinion of two acres total and one particular lot is no less than one acre, then there would be two areas and let the developer decide what those two areas would be or where it could be.

CDD/Gubman said what if the two areas were contiguous so that it was a total of two acres. C/Shah said that would be okay. ACA/Wohlenberg clarified that it could be two

park areas with a total aggregate area of two acres, one of the areas to be at least one acre in size. C/Shah said "that is correct, very well stated."

VC/Nolan said that if two acres is too big she would rather see an acre and one-quarter of something nice and particular. She appreciates the idea of two acres, but is that too much of an infringement into the commercial area?

CDD/Gubman stated that staff would strongly suggest that this item be continued to give staff a chance to study this to determine what a different park size would afford. Two acres could have a significant effect on the viability of the commercial site. One may be sufficient to provide all of the amenities that the Commission envisions. Staff needs to go back and study this. The one item staff wants to look at is the Planning Commission rules. It may be more appropriate to take one motion for all three actions at once rather than leave this evening with two down and one to go.

Chair/Torng felt the Commission had consensus and was waiting for staff's language. The Commission has consensus in a way that this is an important Specific Plan but we want a park. But how much and how to do that is something we are waiting for staff to provide guidance, and within the limits and not to kind of impact the fiscal responsibility and not to impact the EIR and those kinds of things. So actually, the Commission can make a decision or wait until staff comes back and just notify the Commission with the appropriate language.

VC/Nolan said she had to respectfully disagree to take staff's recommendation to give this a little more thought and we may come back with the same thing and do this again in two weeks with just a little more specificity, a few more details. There are just a lot of different things out there and now was your recommendation for the Commission to take all three items as a whole does that negate what we already voted on?

C/Shah said there were two or more experts here and he has some experience visualizing one acre, two acre, three acre and he does agree that one or one and a quarter acre or one and one half acre are insufficient for a neighborhood park. He kind of agreed with the Chair to agree with staff's experience and expertise on acreage which would not impact the future development or the school district and if that is in staff's opinion, sufficient, then he thinks the Commission should consider that. He thinks the Commission should be open to hear the experts and if they believe one acre is fine, so be it. He does not think it is very difficult right now at this stage to visualize it. Everybody agrees in principle that we need a park. The issue is whether it should be one acre, one and one half acre, or what. That is the issue.

Chair/Torng likened this debate to the parolee homes wherein the Commission wanted the maximum distance. So we can identify the language to the maximum size of the park that staff can identify for the Commission.

VC/Nolan said she thought if staff was willing to go back, rethink this, give it some more detailed thought outside of this arena right here and come back, it may be as general as C/Shah recommends. It may be more specific to this is residential, this is commercial, whether it's specific land and location, she just likes the idea that staff seems to be recommending that the Commission come back in two weeks and revisit this particular item.

C/Lee said the Commission already made a motion for item one and number two. There is no reason they should be combined together. If VC/Nolan thinks the recommendation is good make a motion for that and we get some action. VC/Nolan said she did not just want to do it. I don't just want to pull a place and a number out of my hat. C/Lee said no - just make a motion for continuance.

ACA/Wohlenberg said he wanted to make a point of procedure and parliamentary procedure. These three resolutions constitute a single action and he wants to make sure there is not an issue with when a statute of limitations starts to run or anything like that so that all three are done at the same time. The Commission's rules allow for a motion of reconsideration be taken at the same meeting where the Commission has already taken action on a resolution item. So what he would recommend is that the Commission proposed a motion for reconsideration of the first two items with that decision to be made simultaneously with the consideration of the third resolution so that we have sort of undone that approval and just moved it out to coordinate with the third resolution. VC/Nolan said, so we would be voting again on the first two items that we voted on already? ACA/Wohlenberg said first there would be a motion for reconsideration on the first two items. If that passes then those items would be reconsidered simultaneously with the third so they would be then sort of unapproved and for consideration those would be moved to be simultaneous with the third.

C/Lee said he had a question about that. The agenda clearly separates Items 1, 2 and 3 and then you said about a resolution. For example, if I agree with item number 2 and I don't agree with item 3 then he cannot express his opinion if he votes on all three at once. If the items are separate he can express his opinion on a certain item. With them combined together no matter whether I agree or disagree with a certain item I cannot do that. ACA/Wohlenberg said they would all still be voted on separately. He wanted to make sure because the project requires all three resolutions. If two were to pass and one were to not pass he would not be sure what would happen with that. So in order to make sure action is taken on all three of them either approval or denial, he wanted to make sure they were all approved simultaneously because they all do constitute a single project. So the Commission has taken action on two and if the Commission is not taking action on the third yet he does not know if that will trigger any problems with review or appeal of those where there are essentially two approved resolutions that could go up, but they are essentially useless without the third and he does not know what kind of problems or delays that may cause the City. So to just avoid that problem his recommendation would be to pass a motion for reconsideration on Items 1 and 2 so that they can be considered

again at the next meeting so that at the next meeting staff has to come back with the additional information about the third resolution but the Commission would also then just start at the beginning again and consider Resolution number 1, Resolution number 2 and then Resolution number 3. Chair/Torng asked if at the next meeting the Commission would come back and go directly to deliberation or go through the whole process. ACA/Wohlenberg said the Commission would go directly to the resolutions. The Commission may want some additional deliberation amongst the Commission in order to make that decision. There is no problem with doing that and that does not bring up any due process issues like when there is public testimony. This is just the Commission acting. So the Commission is saying we need more information. Find that information and bring it back so we can continue our deliberation on a particular date.

VC/Nolan moved, C/Shah seconded, for reconsideration of Items 1 and 2 and request that staff bring back recommendations and additional information regarding the designation of a specific park space or size on May 11, 2010. Motion carried by the following Roll Call vote:

AYES:	COMMISSIONERS:	Shah, VC/Nolan, Chair/Torng
NOES:	COMMISSIONERS:	Lee
ABSTAIN:	COMMISSIONERS:	none
ABSENT:	COMMISSIONERS:	Nelson

9. PLANNING COMMISSIONER COMMENTS/INFORMATIONAL ITEMS:

C/Shah thanked everyone for their consideration this evening and thanked staff and the consultants for their good effort.

VC/Nolan thanked everyone for their patience and said she looked forward to visiting this again in two weeks.

Chair/Torng thanked staff and the consultants for their efforts. Thanks to the audience that stayed with the Commission for such a long meeting.

10. STAFF COMMENTS/INFORMATIONAL ITEMS:

10.1 Public Hearing dates for future projects.

11. SCHEDULE OF FUTURE EVENTS:

As listed in tonight's agenda.

ADJOURNMENT: With no further business before the Planning Commission, Chairman Torng adjourned the regular meeting at 10:54 p.m.

The foregoing minutes are hereby approved this 11th day of May, 2010.

Attest:
Respectfully Submitted,

Greg Gubman
Community Development Director

Tony Torng, Chairman

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 Land 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,

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

MINUTES OF THE CITY OF DIAMOND BAR
REGULAR MEETING OF THE PLANNING COMMISSION
MAY 11, 2010

CALL TO ORDER:

Chairman Torng called the meeting to order at 7:00 p.m. in the South Coast Air Quality Management District/Government Center Auditorium, 21865 Copley Drive, Diamond Bar, CA 91765.

PLEDGE OF ALLEGIANCE: C/Nelson led the Pledge of Allegiance.

1. ROLL CALL:

Present: Commissioners Kwang Ho Lee, Steve Nelson, Jack Shah, Vice Chairman Kathy Nolan, and Chairman Tony Torng.

Also present: Greg Gubman, Community Development Director; Brad Wohlenberg, Assistant City Attorney; Grace Lee, Senior Planner; Natalie Tobon, Planning Technician; David Alvarez, Assistant Planner; and Stella Marquez, Senior Administrative Assistant.

Consultants: Mark Rogers, TRG Land; and Peter Lewandowski, Environmental Impact Sciences.

2. MATTERS FROM THE AUDIENCE/PUBLIC COMMENTS: None.

3. APPROVAL OF AGENDA: As presented.

4. CONSENT CALENDAR:

4.1 Minutes of the Regular Meeting of April 27, 2010.

C/Shah moved, VC/Nolan seconded, to approve the Minutes of the Regular Meeting of April 13, 2010, as corrected. Motion carried by the following Roll Call vote:

AYES:	COMMISSIONERS:	Lee, Shah, VC/Nolan, Chair/Torng
NOES:	COMMISSIONERS:	None
ABSTAIN:	COMMISSIONERS:	Nelson
ABSENT:	COMMISSIONERS:	None

5. OLD BUSINESS: None

6. NEW BUSINESS: None

7. PUBLIC HEARINGS:

7.1 **Comprehensive Sign Program No. PL 2010-30** – Under the authority of Diamond Bar Municipal Code Section 22.36.060, the applicant requested approval for a Comprehensive Sign Program for Firestone. The lot is zoned Regional

Commercial (C-3) zoned parcel with a consistent underlying General Plan Land Use designation of General Commercial (c). Comprehensive Sign Programs are requested when two or more signs are requested on the same frontage.

PROJECT ADDRESS:	1150 S. Grand Avenue Diamond Bar, CA 91765
PROPERTY OWNER:	Bridgestone Retail Operations 333 E. Lake Street Bloomingdale, IL 60108
APPLICANT:	Sharon Willison Williams Sign Company 111 S. Huntington Street Pomona, CA 91766

PT/Tobon presented staff's report and recommended Planning Commission approval of Comprehensive Sign Program No. PL2010-30, base on the Findings of Fact, subject to the conditions of approval as listed within the Resolution.

There were no ex parte disclosures.

Chair/Torng opened the public hearing.

There was no one present who wished to speak on this item.

Chair/Torng closed the public hearing.

VC/Nolan moved, C/Shah seconded, to approve Comprehensive Sign Program No. PL2010-30, base on the Findings of Fact and subject to the conditions of approval as listed within the Resolution. Motion carried by the following Roll Call vote:

AYES:	COMMISSIONERS:	Lee, Nelson, Shah, VC/Nolan, Chair/Torng
NOES:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	None

7.2 **Conditional Use Permit No. PL2010-89** – Under the authority of Diamond Bar Municipal Code Section 22.58, James Kim submitted a request to operate a music and art school under the business name *Orchepia School of Music*. The proposed music and art school will provide music lessons to school age children and young adults. The proposed hours of operation are from 2:30 p.m. to 8:00 p.m., Monday through Friday, and 9:00 a.m. to 4:00 p.m. on Saturday. The subject property is zoned C-2 (General Commercial) with an underlying General Plan designation of

General Commercial. Approval of a Conditional Use Permit is required to operate a music school.

PROJECT ADDRESS:	2751 S. Diamond Bar Boulevard, Suite A Diamond Bar, CA 91765
PROPERTY OWNER:	Country Hills Holdings LLC 8115 Preston Road #400 Dallas, TX 75225
APPLICANT:	James Kim 21700 Copley Drive, Suite 290 Diamond Bar, CA 91765

SP/Lee presented staff's report and recommended Planning Commission approval of Conditional Use Permit No. PL2010-89, based on the Findings of Fact and subject to the conditions of approval as listed within the Resolution.

C/Shah asked if the applicant intended to rent the hall for other uses or was it intended strictly for their own use and SP/Lee said she believed it was intended strictly for use by the music and art school but she would ask the applicant to clarify that point. C/Shah said if the hall was rented out he would be concerned about the time and the one door ingress/egress at the side of the hall.

C/Nelson asked why the school was restricted to 65 students. SP/Lee responded that there are 29 individual classrooms and the number of students is related to the parking, traffic impacts and capacity. She confirmed to C/Nelson that there is surplus parking. C/Nelson asked why the City would restrict a business that is coming into an area that has been vacant for years. SP/Lee stated that part of the analysis includes a new office building at the north end of the shopping center which was submitted to the Planning Department today for consideration, all of which has to do with the parking and traffic impacts of the shopping center. CDD/Gubman further stated that the applicant proposed that a maximum of 60 students was anticipated at any one time. Staff normally places restrictions on the maximum enrollment, hours of operation, days of the week, etc. Staff also wanted to provide some flexibility should there be an increase in enrollment because staff did not feel it should limit enrollment so tightly that if there might be 61 students for example, they would have to come back and request an amendment to the Conditional Use Permit. In this instance, staff's intent was to create a bit of a cushion for the business to exceed their 60 student peak enrollment at any one time without having to seek a modified approval. Certainly, if the Planning Commission feels the cushion is insufficient the parking analysis would allow for more of a cushion. However, he believes that there should be some sort of a cap set during this process. The 65 number was arrived at by adding a 10 percent

contingency. Any other number the Commission would like to discuss can certainly be brought forward for consideration.

VC/Nolan asked for the building occupancy limit and CDD/Gubman responded that would be determined by the Building Official. CDD/Gubman said VC/Nolan would have to ask the applicant how that number was reached but certainly they would have done a preliminary building code analysis to determine exits and what kind of improvements would have to be included in the tenant improvements to accommodate this occupancy.

C/Nelson asked how many parking places the proposed north end office building would require and SP/Lee responded that staff had not yet analyzed that since the application was submitted only today. The building is proposed to be a three-story office building but she does not have the actual square footage figures. C/Nelson said he was concerned about restricting an existing use because of the potential for future uses and while he thinks it is good to plan ahead he would prefer to know what the future needs might because it might reveal that the Commission could increase the opportunity for the operations in-hand. SP/Lee confirmed to C/Nelson that if the applicant experiences problems they have a condition that allows them to come back for a possible increase. C/Nelson asked if the Commission were to increase the number of students and it became a problem, the applicant could come back for reconsideration as a condition of this approval and SP/Lee confirmed that was accurate.

C/Lee said he was not comfortable with children and young adults occupying the same space without supervision. He wanted to know what age and what kind of people. SP/Lee referred C/Lee to the applicant to answer the question.

Chair/Torng said he recalled that the Commission approved a three-story office building for the south end and a two-story office building for the north end and wanted to know if the 158,922 square feet included the previous approval and CDD/Gubman responded that the square footage includes the most recent entitlement and accounts for the approved replacement for the theater building and cancellation of the medical building at the south end as well as the remodel of the Tai Kwando in-line shops building and the daycare building. SP/Lee responded to Chair/Torng that the north end office building square footage is included in the entitlement.

Chair/Torng asked if there would be a large crowd for recitals and wanted to know the capacity for the recital hall. Staff suggested that the applicant respond to that question.

There were no ex parte disclosures.

Chair/Torng invited the applicant to speak.

Bob Poyner, Country Hills Holdings LLC, stated that the recital room is for the applicant's use only and not for rental. The recital facility has room for 150 seats. Recitals take place twice a year and take place on the weekend. The interior drawing showing the doors is their preliminary plan and obviously, the property owner must complete construction drawings and go through the City's Building Department with respect to proper ingress/egress and signage interior to the space. The drawing submitted to the Commission this evening is a concept drawing. The age of the children and young adults, this facility is for elementary, middle and high school children. The 65 number was based on the rooms – a guess by the client. The 65 is acceptable for this approval based on the assumption that if the applicant required more capacity they could come back to request an increase from the Commission subject to traffic and parking considerations.

C/Shah asked if the applicant means a maximum 65 students at any one time and Mr. Poyner responded yes.

VC/Nolan asked for confirmation that the overall enrollment was greater than 65 and Mr. Poyner responded "yes."

C/Nelson said that if Mr. Poyner wants 65, he gets 65. What he was thinking about was cuts to the public school music programs and where students will go.

Chair/Torng asked Mr. Poyner if he read staff's report and concurred with the Conditions of Approval and Mr. Poyner responded affirmatively.

Chair/Torng opened the public hearing.

With no one present who wished to speak on this item, Chair/Torng closed the public hearing.

CDD/Gubman requested that the Commission amend Condition No. 6 (future reviews) as follows: "Once the music school is in operation and should traffic and/or parking problems arise in the sole judgment of the City, the applicant shall provide parking management services to ease traffic flow and congestion, etc."

C/Lee moved, C/Shaw seconded, to approve Conditional Use Permit No. PL2010-89 as amended by staff. Motion carried by the following Roll Call vote:

AYES:	COMMISSIONERS:	Lee, Nelson, Shah, VC/Nolan, Chair/Torng
NOES:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	None

7.3 **Development Review and Variance No. PL2010-17** – Under the authority of Diamond Bar Municipal Code Section 22.48, the applicant requested approval to construct a 6,352 square foot new single family residence on a 48,252 net square foot (1.11 net acres), Rural Residential (RR) zoned parcel with a consistent underlying General Plan Land Use designation of Rural Residential (RR). Variances are requested to allow the building height to be increased from 35 feet to 40 feet 7 inches, and a driveway extension to provide for access to the front door and allow adequate turning radius for fire trucks as required by the Los Angeles County Fire Department.

PROJECT ADDRESS:	2718 Steeplechase Lane Diamond Bar, CA 91765
PROPERTY OWNER:	Terry and Rachel Hao 60 Seasons Irvine, CA 92603
APPLICANT:	Jack Mitchell JWM Construction 2902 Calle Heraldo San Clemente, CA 92673

SP/Lee presented staff's report and recommended Planning Commission approval of Development Review and Variance No. PL2010-17, based on the Findings of Fact and subject to the conditions of approval as listed within the Resolution.

VC/Nolan asked staff to elaborate on the design of the metal roof with a large pitch and whether it would present a nuisance to other neighbors. SP/Lee explained that the roof is sloped and if the applicant were to design the project to meet the building height it is possible that there would not be a sloped roof that is usually typical in very modern contemporary designs. In terms of impact to adjacent properties, again, the building is set back behind the two adjacent homes. VC/Nolan wanted to know what a metal roof would look like. SP/Lee said it was an actual metal roof instead of a clay tile or shingles.

C/Shah wanted to make sure that the fire department had approved the roadway system all the way to the building because he questioned the 15 percent grade. Also, he looked at the color rendering and the building is mostly a modern looking building. SP/Lee said she did not believe the color printer justified the actual colors that were submitted on the color board. The paint colors are beige tones. With respect to the LA County Fire Department, the applicant submitted plans to the LA County Fire Department which reviewed and approved the conceptual plan and the applicant is in building plan checked at their own risk prior to getting Commission approval. The applicant has further comment from the fire department

for which he can elaborate. CDD/Gubman said the driveway configuration has a switchback design to reduce the grade from what a straight line would create. In addition, the turnaround area was incorporated into the site plan at the front door after consultation with the fire department. So, the applicant has done some due diligence in that regard and still has to go through the formal plan check process. However, the applicant attempted to come up with a design that reduces the driveway grade given the steep slope front to back on this property. C/Shah said that the plan indicates a 15 percent grade which is clearly a difficult grade. As long as the fire department approves it he is okay with it. CDD/Gubman indicated that 15 percent is the maximum grade that they would accept and there needs to be a rounding off at the brow to keep the vehicle from bottoming out. The applicant is attempting to work with the property as best they can. C/Shah asked if there would be cut and fill and CDD/Gubman responded that about 600 cubic yards of export. C/Shah asked if there was any way the cut and fill could be balanced within the site because 600 yards could easily be used on the graded south side. CDD/Gubman said that would be a good question for the applicant.

C/Nelson asked why the City's development standards restricted height to 35 feet. CDD/Gubman said that it seems that if one looks into any zoning code 35 feet is the default height limit. C/Nelson felt that if the Commission did not understand the reason for the standard how can it meaningfully determine whether a five foot seven inch variance would be acceptable. How many variances has the City granted to building heights for residential structures in the past three years, for example, and how many more requests will the City get in the future. He does not think the City should grant a variance without a good and consistent reason moving forward. If the City cannot define why it has a standard of 35 feet why does the City have any standard? SP/Lee said in an attempt to respond to why the code is 35 feet the rural residential zone for the City is predominately permitted single family detached homes which is the maximum height for those types of homes. C/Nelson said, so why are we allowing five feet seven inches on this one if most houses are 35 feet? SP/Lee responded that because this property has unique characteristics such as a steep slope and unusual topography that justifies a variance. C/Nelson said "we've had steep slopes in the past without having to grant variances for height – am I right?" CDD/Gubman responded "that is true." C/Nelson said it was perhaps a question for the architect and he did not mean to put anyone on the spot but wanted to be very careful about the variances the City is granting going forward. CDD/Gubman said that the elevations for the property show compound slopes in terms of having an ascending slope from the street and then a lateral slope that warps the property in a unique way. All properties obviously have some unique topographic characteristics. The ones that characterize this property are the steep ascending slope and the side to side slope as well. And architecturally, what the applicant attempted to do was slope the roof to follow the side to side slope but in the design challenge to take into account the varying topographic elevations, there is a small wedge – portion that does hook up above the 35 foot envelope.

C/Shah felt the floor heights were standard heights and that it was the architectural feature that raises the height beyond 35 feet. In viewing the section on drawing A 1.9 section (a) it clearly depicts why the height exceeded 35 feet.

Chair/Torng asked if the retaining wall met the six foot height requirement and SP/Lee responded affirmatively.

There were no ex parte disclosures.

John Danielian, Danielian Associates, 60 Corporate Park, Irvine, and Jack Mitchell, JWM Construction responded to Commissioner's questions.

Mr. Danielian responded to C/Shah that with respect to slope of the roof, the site slopes from north to south and the envelope of the home is within the 35 feet of the natural grade. When measuring the five additional feet, it is artificially taken from the new established finished grade. So when designing the home, they stayed within the natural grade. With regard to why the roof is sloping, the attempt is to mimic and follow the contours of the site i.e. responding to the site conditions.

C/Shah asked the applicant to speak to the grade of the entrance ramp and the color of the building. Mr. Danielian responded that prior to commencing the project he met with the fire department to discuss critical issues. This is a very difficult site with a 29 ½ percent slope and they attempted to minimize the steepness of the driveway. The fire department required the project to be no more than 15 percent and 14 feet in width and that is what is pictured in the design of the driveway. Anything over 15 percent is unacceptable. The turnaround space was also required by the fire department and the architects/applicants have been working closely with the fire department since day one. And since that time the applicant has submitted plans at will and at the architect's own risk and have received comments back, one of which was to confirm that there was an appropriate turning radius at the top (of the driveway). The rest of the fire department comments addressed minor structural issues. In addition, the pool water will be used for emergency water as needed. C/Shah asked why the applicant was unable to balance the site without exporting dirt. Mr. Danielian said they did everything they could to balance the site. Unfortunately, because there is a basement it requires removing a lot of soil from the site but they are doing everything possible to distribute the dirt throughout the site and help with the driveway grade.

CDD/Gubman responded to C/Nelson that the 35 foot requirement is from "finished" grade. As the architect stated, the natural grade was at a higher elevation than the finished grade so the visual impact of the overall building height is mitigated to a certain extent by the fact that the pad is being lowered so that the

effective height when viewed from Steeplechase which is at a fixed grade, would be mitigated by that feature of the development. C/Nelson said he would suggest the Commission keep that in mind for the future.

VC/Nolan asked when the Hillside Management Ordinance was put in place and whether it was put in place because of the conditions where people are building more on the hillsides because of less area. And was the 35 foot limit in place prior to that ordinance. CDD/Gubman responded that the Hillside Ordinance was developed out of consideration for Diamond Bar and its topography and there is a need wherever a jurisdiction is in a hillside situation or with this type of topography to avoid some of the mass grading for steep roadway design that occurred in hillside developments in the 60s and 70s where development occurred directly on ridgelines and was destroying the natural features. The Hillside Development Standards are an effort to require homes and development overall to be designed to fit the overall topography rather than altering the topography to fit the development. SP/Lee stated the Hillside Management Development Standards were adopted in 1998. CDD/Gubman responded to VC/Nolan that the 35 foot height limitation is in all of the residential zones so the height limit for the hillside district is overlayed on this additional concept of the building height envelope that is determined by some diagrams in the Hillside Development Standards where one creates height envelopes from site property lines and from the grade from the front to the back of the property. SP/Lee said the 35 foot height limit requirement was also included in the Hillside Standards.

C/Shah asked how many truckloads of dirt would be required to export the 600 cubic yards of export and Mr. Mitchell responded that due to the site he would have to bring in smaller trucks to accommodate the shared driveway for about 100 trips of six to seven yards per truck. The dirt will be hauled to the landfill just off the SR60. He plans to remove the dirt in a slow and methodical manner so as to present as little interruption as possible to the neighborhood. When he first looked at the site dirt export was his initial concern. As a result, he designed retaining walls for an earth retention system that uses modular blocks and uses the onsite materials that are reprocessed and re-compacted onsite.

Mr. Danielian responded to Chair/Torng that he read staff's report and concurs with the conditions of approval.

Chair/Torng opened the public hearing.

Victor Natividad, 2730 Steeplechase Lane, said he was not present to object but was, in fact, pleased to welcome a new neighbor. He had concerns about the shared access road that is sitting on a steep slope and over 100 truckloads of dirt will be moved across the shared access road that proceeds through six lots. This access road is owned by the land owners and it is not maintained by "The Country Estates" which is unfortunate because the road is in very, very bad condition. With

the exception of Lot 52 which is partially paved with concrete and asphalt and Lot 55 which is paved with concrete, the rest of the roadway is in very poor condition. The concrete on his lot is only four inches thick and in 2005 during the paving the waterline broke because it was not buried deep and also because of the heavy load. Informally, he mentioned this fact to Jack Mitchell on May 6 and suggested that a metal plate be placed on top of the concrete to protect the water and sewer lines and Mr. Mitchell assured him there should be no issue. Second, he was not sure how the concrete would handle the truckloads and whether there would be damage to the access road. If large cracks result from hauling the dirt he would like to have the damage repaired as soon as possible before it developed into a bigger problem. The downside of living in the area is the hill erosion from the access road. He found the mitigation to be very expensive and the damage was not covered by insurance. Fortunately, he was able to secure access through other lots 56 and 57 to his house. He is requesting that any big cracks be repaired at once. It becomes worrisome when the construction coincides with the rainy season. He is sure there will be minor cracks which can be repaired later and he is willing to share that with his neighbor. Third, he accesses his property from the south end of Steeplechase from lot 57 through 56 and the up to his lot 55. It is in extremely poor condition and because there are no houses on lots 57 and 56 it continues to deteriorate because the absentee owners do not want to pave the road. If there are any potholes, he would implore the Commission to have them fixed before any hillside erosion occurs again.

Chair/Torng closed the public hearing.

SP/Lee asked for the applicant to comment on sharing the costs of improvements should there be damage to the concrete portion of the access road.

Mr. Mitchell stated that it is implied that damage done by construction activities are the responsibility of the applicant. With respect to a steel plate, it is generally conditioned on any larger grading job that he is required to have a "shaker plate," a ¾ inch steel plate with ridges on it that shakes the dirt off the tires of the equipment as it leaves the site and comes onto the site. He said he would place the steel plate on top of Mr. Natividad's plumbing and he will take photographs and if any condition worsens of course he would rectify it. With regard to the asphalt road in front of his client's property, it might as well be a gravel road because it has pretty much deteriorated to the point that it is almost non-existent and obviously, that will have to be rectified and the project has budgeted for the inevitability. The only issues are that "The Country Estates Homeowners Association" is resistant on the use of asphalt; however, there is asphalt in place at this time so that is an issue that must be addressed with the HOA. All of the paving surfaces would have to be left in good condition when they are finished. With regard to Mr. Natividad's pipes being shallow, he would hope that the steel plate would mitigate that but if they are shallow and something happens they have to be fixed in the normal course of business.

CDD/Gubman explained that the access from Steeplechase to these properties has to be traversable and for this project to get through the fire department plan check process the applicants will have to demonstrate that the roadway is going to be surfaced to accommodate emergency vehicles. With respect to damage to the private drive and potential damage to water lines, this is a private property and reciprocally used, owned and accessed between private property owners so the City would not impose any requirements in this regard. This is a civil matter that would need to be dealt with in that venue should there be any claims or damage caused by this construction project.

VC/Nolan asked the length of the access road and Mr. Mitchell responded he believed it was 500 to 600 feet traversing five or six lots. There are sections that are in very poor repair. For his fire department requirements he has to maintain emergency access at all times during combustible construction. There are rules and responsibilities that other agencies have that are standards and if one causes damage it has to be repaired.

C/Shah said he believed the architect could design the lot by balancing the dirt onsite rather than having dirt exported.

C/Lee was confident that the applicant knew what he was doing and the City has full enforcement authority to take care of those concerns.

C/Lee moved, VC/Nolan seconded, to approve Development Review and Variance No. PL2010-17, based on the Findings of Fact and subject to the conditions of approval as listed within the Resolution. Motion carried by the following Roll Call vote:

AYES:	COMMISSIONERS:	Lee, Nelson, VC/Nolan, Chair/Torng
NOES:	COMMISSIONERS:	Shah
ABSENT:	COMMISSIONERS:	None

8. CONTINUED PUBLIC HEARING:

8.1 **Site "D" Specific Plan** – Pursuant to the Subdivision Map Act; Title 21 – City's Subdivision Ordinance; and Title 22 – Development Code Sections 22.60 and 22.70, the proposed project is to recommend approval of the following to the City Council.

General Plan Amendment No. 2007-03 – A request to change the land use designations from Public Facility (PF) and General Commercial (C-1) to Specific Plan (SP).

Zone Change No. 2007-04 – A request to change the zoning districts from Low Density Residential (RL) and Neighborhood Commercial (C-1) to Specific Plan (SP).

Specific Plan No. 2007-01 – a Request to adopt the Site D Specific Plan for approximately 30.36-acre site for the construction of 202 residential dwelling units at a density of 20 units per acre; 153,985 gross square feet of commercial use at 0.35 floor area ratio; and approximately 10 acres of Open Space areas, easements and rights-of-way.

Tentative Tract Map No. 70687 – A request 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.

Environmental Impact Report No. 2007-02 – A request to certify the final EIR which provides a detailed analysis of potential environmental impacts associated with the development of the Specific Plan area. The EIR includes mitigation measures for the project, addresses project alternatives, identifies the environmentally superior project alternative, and adopts a statement of overriding considerations.

(Continued from April 27, 2010)

Project Address: Site 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, 8714-002,093, and 8714-015-001.)

Applicant: Walnut Valley Unified School District and City of Diamond Bar

Lead Agency: City of Diamond Bar Community Development Department

C/Nelson recused himself and left the dais and the meeting.

Chair/Torng explained the Commission's direction on this item and announced that in addition to the agenda packet the Commission also received a letter from Mary Rodriquez and an email from David Busse he requested be placed in the public record.

CDD/Gubman stated that on April 27 there was intent to recommend certification of the

Environmental Impact Report and adoption of the General Plan Amendment and Zone Change. There was general support for the Specific Plan, but there was a lack of consensus about how to craft the recommendation pertaining to the incorporation of a park element on this site. The three supporting Commissioners expressed a desire to have some requirement for a park or public space as part of this project but continued the matter to allow staff to conduct further research and to come back to the Commission with its recommendation. Staff is ready to present information to help the Commission make its decision this evening.

CDD/Gubman further stated that what staff heard from the Commission were two different concepts discussed. One was a dedication of a traditional public park as a standalone feature on this site. The second concept staff heard was the integration of one or more public spaces into the future commercial development comprised of some minimum acreage that would incorporate amenities such as tot lot, shade structure, picnic table, features that would be found in a traditional park but more integrated into the commercial development. Tonight's presentation is in two parts, the first of which he will present to the Commission using a PowerPoint presentation that depicts an overview of parks in the City of different sizes to help the Commissioners visualize what one and two acres and different sizes and palettes of amenities that parks of different sizes could accommodate. This presentation will be followed by a discussion of the public space option for the commercial development by Mark Rogers who will present an interactive design exercise to help the Commission consider that option as well.

CDD/Gubman first presented an overview of seven City parks that are within the size range discussed at the last meeting. These parks range in size from .3 acres (16,000 square feet) to about 3.4 acres. Staff will then show graphics of polygons that will give the Commissioners an idea of how those different sized parks would compare to the footprint of Site D. The staff report calls out acreages in the table and when staff went through the actual graphic verification of park sizes more exact acreages were determined.

CDD/Gubman first presented the approved construction plan for the new Washington Street Park at the intersection of Washington and Lincoln Streets. This .3 acre site has a tot lot, open green space, gazebo, five picnic tables, three benches and a walkway. This park is a neighborhood park and does not accommodate off-street parking. This park is intended to serve the neighborhood and visitors would have to park on the street. The next larger park is Longview Park South which was about .83 developed acres and has planned for it a basketball court, turf volleyball court, tot lot, two picnic tables and a barbecue. Stardust Park is .98 acres and features a tot lot, open green space, two benches and a paved walking trail. Longview Park North is .99 acres with .8 acres improved. There is a grove/grouping of vegetation at the rear portion of the site that reduces the usable acreage. This park includes a tot lot, open green, two benches and a paved walking trail. Summitridge Mini Park (down slope from the Diamond Bar Center) is about 1.27 acres and is entirely passive green space. Starshine Park is 1.66 acres and includes tot lot, open green space, two picnic tables, two benches, a barbecue and a

concrete walkway. Heritage Park is about 3.4 acres and includes a 1.5 acre softball field, tot lot, open green space, a recreation building, five picnic tables, three barbecues and a concrete walkway. He showed a diagram of the overview of the parks to scale so that the Commissioners could get a better idea of what they would look like on Site D. He overlayed the polygons onto the diagram to give the Commissioners an idea of the relative size of that park within Site D.

C/Lee asked if there was a general standard or formula for a park size with respect to population or households. He thought the inclusion of small sites was irrelevant to Site D without having a formula to guide them. Where is the formula or general understanding for the standard for park sizes and population ratio? CDD/Gubman said he did not have that information for C/Lee but there is a standard amount of recreation space per capita or per 1,000 persons. He does not have that information because that is not what was requested for this evening's meeting. The direction staff was given was to provide options for a park or open space area so that is the focus of this presentation.

C/Lee said he understood but what he wants to know is there a standard size or shape that should have a certain foundation and why did staff bring in the small size parks and how was it appropriate for this project. Without a general understanding about size and population ratio and park size it is very difficult to understand. CDD/Gubman said the reason he is showing these parks is because there was a menu of amenities the Commission asked for, and needed a better understanding of the acreage needed to accommodate them.

VC/Nolan said that staff brought back to the Planning Commission a good visual and it helps to see the possible locations for the park.

C/Shah said that this park could be in one of those green areas shown on the drawing where the trees are shown and the roads can go around it. CDD/Gubman said he would say it that it can be adjacent to those green areas. A lot of those green areas are slopes so it will give some visual contiguity if the park is abutted against those green areas. C/Shah said it could be part and parcel of the overall development. CDD/Gubman agreed.

C/Shah asked the area of the commercial portion of the project and CDD/Gubman responded 10.1 acres, about three times the size of Heritage Park.

C/Lee asked if there were a certain number of people that could use a certain sized park. For example, Washington Park is 0.8 acre – how many people can it accommodate. CDD/Gubman said he did not have that information. C/Lee said that there should be a certain standard to build a park - a park based on the population of neighbors. CDD/Gubman reiterated that he did not have that information available.

VC/Nolan asked at what point does a park need its own parking lot. There are pocket parks that are less than half an acre and to provide guesstimation of how large would a

park be before it needs its own dedicated parking or parking that would be inclusive of the commercial lot. CDD/Gubman said it would depend on context. A neighborhood park is going to use neighborhood streets for parking or it is going to be accessed by pedestrians in the immediate vicinity. This park given its adjacency to an arterial and potentially not being within a neighborhood, it is going to need to rely on the off street parking provided by the shopping center.

Mark Rodgers took the podium and explained to the Commission that he would lead them through an interactive sketch exercise to illustrate concepts of how usable public spaces could be integrated into a commercial shopping center environment. He then proceeded, using the auditorium's overhead projection system, to sketch diagrams onto Site D base maps to show different ways buildings and public plazas could be configured on the commercial portion of the site.

VC/Nolan said she appreciated all of the presentations. It really puts a name to the face. VC/Nolan said that she visited a number of parks in the area. She visited both Longview Parks, Stardust Park, Starshine Park, Washington Park and other parks outside of the area. The smaller parks in residential areas did not fit what she envisions. The parks that she visited today were basically used by residents within those few blocks. Of all of those parks she visited there wasn't one person at any of them and it was during after school hours. She envisions something that is for the community. Something that can be used by everyone. She said they talked about this being the gateway to Diamond Bar and she would like to see something that is visual. V/C Nolan said that she liked how it is incorporated with residential. She said that a park area less than an acre and a half would not be worth the effort to include in the project. She envisions more than a pocket park, although, pocket parks serve a great purpose – no discredit to them, however, they look like two lots that were planted with grass to make it look like a playground – they do serve a purpose for that immediate neighborhood, however, she does not see a pocket park being right for this kind of environment. Before the April meeting she visited a number of parks that she shared with Mr. Gubman and a number of them even had dog parks. When we talk about the social aspect of these park like areas, they were hugely populated, they were very nice environments that did bring those communities, e.g., elderly and young, together throughout the day. V/C Nolan said that she did not care for the park area being in the residential area. She wants to see this as something that can be used by the community at large.

C/Shah said he thought it was a good presentation. If there is a park in one area it's a question of maintaining it and who is going to maintain it. If it becomes part of the public, then the property owner is going to say why am I paying for it. He always believes in rewarding designs. Frank Gehry is a famous architect known throughout the world. He has created these kind of spaces. He said that he has created at mass transit stations where it becomes a living and breathing space for the towns. He said that he sees that vision here that instead of identifying one area, the space should flow – there should be green, there should be areas where people can go and sit and in the commercial area that is best utilized for the people who are coming for shopping, who are visiting, going to

the restaurant, etc. In the residential area where the other two areas are proposed maybe it can be combined with the water quality management areas and where the slopes are combined with it so it becomes a larger area where the local community – the people living there - can use it. Providing a park for the entire City is the City's responsibility, not this property owner's responsibility. He said that he would like to see that this property owner maintain a park for their own use and in the commercial let it split out throughout the commercial area. For residential, maybe we can identify a third of an acre in each lot and whatever way the designer designs it along with the other green spaces. In the commercial area maybe a third of an acre or whatever we decide which could be spread around and make it a nice architectural feature for the people who come to shop in that area. It could be a mixture where we do not dictate a location or we dictate an area where the future designer designs and comes back to the Commission and at that time the Commission again reviews it and then see whether it fits into the environment in which it is designed because we don't know the current environment of the future design. We assume so many things. Why assume? Wait. Identify the need and wait for the design.

C/Lee said he thinks the park is the main point of our discussion but mainly he'd like to give his comment regarding the Site D plan. First of all, we always encourage people to participate in the meeting and ask them to give us input but somehow after we finish extensive talking and discussions he does not see any reflection of the residents' ideas and input. Somehow that is not the recommended way to do the public meeting. Secondly, this site project is seeking a zone change from low density to the Specific Plan and the Specific Plan includes a density of 20 units per acre. When you see the surrounding area most houses are 6,000 to 12,000 square feet but compared to the numbers in this one that size asks us for about five times more high density zone change and he does not think that is appropriate. Also, there is an H-Mart shopping center across from Site D and a lot of business owners came to a higher rent rate before the renovation and now Site D project asks us to give approval for 150,000 square foot commercial area and there will be two major shopping centers that will compete with each other. He has visited the H-Mart shopping center and sees many small businesses that have closed and several ownerships have been changed. They are suffering from the economy and the higher rent and then we place another shopping center within distance and small business owners will suffer more and possibly we will see more empty spaces in the future. He said that this did not make sense at all. C/Lee said that if we must develop Site D then he believes that we need to develop single-family residences or combine the single-family and high density. The commercial site doesn't make sense at all to him.

VC/Nolan said that adding a park to the commercial area does reflect the concerns of the community. They want to keep this space green. It doesn't look like to some extent that's not going to happen, but it does reflect that concern. She said that by reducing the commercial to a small extent does alleviate it being just this huge commercial lot. She does like the idea of the urban park-like setting for the use of the commercial, for the use of the residents in regard to restaurant and like outdoor seating. VC/Nolan exampled

Downtown Brea Birch Street. But she does think this does serve the purpose for the neighborhood. Making the commercial area smaller, and incorporating a park into this area can tie in very well with the commercial use - building a path – making it a trail where it is marked off for size, for distance, for walking, for exercise, and incorporating that with the residential, with the commercial and with the park.

Chair/Torng, in response to C/Lee's comments that we do not reflect the community's comments stated the Commission has gone through this process based on a legal process that staff explained during the last meeting with respect to working through the entire process overtime with public meetings, and public hearings. On April 27 staff responded to all of the questions from residents. After the Commissioners heard all of the input and staff's responses the Commission decided at the last meeting that it wanted more information regarding a park in the proposed project. All proper protocol has been followed and the Commission has considered the project on its merits in a legal manner.

Chair/Torng thanked staff for their presentation that helped the Commission to better understand how a park of different sizes would impact the commercial and residential areas. He understands that parks are maintained by the City and that would mean additional costs to the City. He concurred with C/Shah that the "park" space be more integrated public space. He also liked Mr. Roger's suggestion of a trail from the residential area through the center of the commercial site to the corner of the Diamond Bar entrance and also at the corner of Cherrydale, if the Commission were decide to add one third of an acre, and take one third of an acre on to that corner. He said that he discussed with CDD/Gubman a third option. We may want o keep the options open for the B level plan by allowing that future developments must choose between the two options instead of force choosing one option at this time. At the plan level B the builder would have to come back to the Commission with a more detailed plan. At this time, the Planning Commission could consider the minimum acreage it would want to put into either a park or integrated space. That's something we might want to consider now. And if we cannot make a decision regarding a park or integrated space – option one and two, the Commission could consider the third option. He asked CDD/Gubman to confirm the third option. CDD/Gubman explained that staff provided two options in its report and the Commission could come up with a third option that is a synthesis of those two to be proposed at the B level.

C/Shah said he felt Chair/Torng was on the right track. He wanted to make the point that the Commission may want to identify the commercial portion be designated as one third of an acre of a park and one-quarter of an acre for each residential lot based on level B so that in the future the builder can propose to develop the property in a certain way and come back for the Commission's final determination and approval. At least if we give them the guidelines, they can interpret how to incorporate the space depending on how the design develops for both the commercial and residential.

Chair/Torng said he was concerned about the residential because in the commercial area the public can use the area but in a residential area that may be restricted to the

residential within the project. He said that he would prefer to set the limits in the commercial site for public space. C/Shah said his intention was to have a park for the residents of the project because the City should not be in the business of maintaining any of the park area.

VC/Nolan agreed with Chair/Torng that this should stay in the commercial area. She said that the 202 homes are going to generate tax revenue. The community pays for parks with taxes that comes back to the City for all the parks. The project needs a park, and a park of this type. The Commission is in a role to recommend to the City Council our thoughts. At some point the City Council is going to vote on this matter. VC/Nolan questioned CDD/Gubman that if the recommendation of C/Shah gets to the point where it is an off number as far as the vote, as far as this going forward in passing the resolution, is this an all-or-nothing package?

CDD/Gubman said the Commission will take three actions on three separate resolutions. Just to clarify, it is not an all or nothing issue. But the reason staff suggested the Commission reconsider the passage of the first two resolutions at that last meeting is that these are all actions related to one project and there could be potential timing issues with expiration dates and other statutes of limitation if the Commission were to split the dates apart. So the only all or nothing aspect is to make all of the decisions at one meeting.

Chair/Torng questioned whether the Commission should make a determination on the amount of park coverage for the residential site, or should the Commission focus on the commercial site. CDD/Gubman said his understanding was that the Commission was looking at either a dedicated park or some alternative public space. For the residential component, he believed the intent or expectation in the Specific Plan is that there will be private amenities for that residential community whether it is a clubhouse, pool, and other such features that they would maintain through association dues but it will be privately used. This park feature that the Commission has been discussing is really something that is in addition to whatever private open space amenities that would be incorporated into the residential community that is part of the Specific Plan.

VC/Nolan said that she believed this provides more reason why we don't need pocket parks in a residential area. They are going to have their own facilities or their own areas for those residents. She is not opposed to reducing the commercial area, it can be incorporated with the commercial, with the shopping, and with the restaurants. She visited the parks and anything short of an acre and a half doesn't make much sense.

Chair/Torng said that at the last meeting he expressed his interested in a more integrated area (option 2). One of the comments from a resident is the desire to have an urban City center with a shopping center and some type of park space that all would be able to visit and at the same time enjoy shopping and dining. The space is important. We want to reserve a space for this use. He liked the trail path Mr. Rogers described in his presentation.

VC/Nolan asked if the Commission will re-vote on the resolutions voted on at the last meeting.

ACA/Wohlenberg said that there are three resolutions, two of which have been approved by a vote of 3-1 and the Commission reconsidered those and tabled those until this time for a revote and the reconsideration essentially removed the previous vote and now they are up for a vote again. The third resolution the Commission never reached consensus and so that will be up for a vote at this meeting.

CDD/Gubman recommended that the Commission complete the discussion on Item 3 and see what, if any consensus can be reached.

C/Shah recommended that the Commission reconsider the previous approved resolutions and consider Option 2 for a maximum of one acre. C/Shah said that VC/Nolan convinced him that the residential should manage their own common space.

CDD/Gubman said that in Option 1 the residential development as envisioned would still have its community, its HOA amenities. To do Option 1 in the residential area would be to reduce the size of the residential area to put a park in that area. The idea of the park is undetermined at this time where on the 30 acres it would finally reside but if the Commission is going to recommend the park option it will reduce the acreage of either the residential or commercial side of the project.

VC/Nolan asked how they should proceed. ACA/Wohlenberg said that all three actions are essentially taking place simultaneously so if the Commission wants to discuss 3 and vote on that item first because he believes it will be most difficult, that would be fine and then the Commission can move to Items 1 and 2.

VC/Nolan moved to recommend 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 square feet of commercial floor area; and approximately 10.15 acres of open space areas, easements and right-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 with the amendment to include 1.5 acres of dedicated park space within the commercial parcel.

Mr. Rogers clarified that the water quality features are not a functioning part of a park. When he says "ambient" they may be adjacent and provide area for green space and planting, etc., but you do not recreate in them. We have calculated, for purposes of water quality, the area necessary to clean the water under the current standards and it is approximately about one third of an acre and two shallow basins less than three feet in depth. These areas collectively can be of benefit to, by virtue of their adjacency, creating a park environment and yet not have functioning uses within them. And it might result, if

we so chose to modify the circulation, in a configuration that would allow those areas to be adjacent to a similar type of area the size of which would be at the Commission's discretion. C/Shah said that as long as the park is adjacent to the area it would be acceptable

Chair/Torng asked VC/Nolan if the dedicated park area would be managed by the City or is that going to be managed by the commercial site. VC/Nolan responded that the park would have to be managed by the City. C/Shah said that the park has to be dedicated to the city for the community's use.

CDD/Gubman explained that Option 1 as presented in staff's report would be dedicated City Park as part of the City Park system. C/Shah said he liked the idea of the park having to be dedicated to the City, because otherwise, if people are going to use it the private property owner can put up a fence not allowing entrance. If people want it to be used by the community and anybody can use it then it has to be dedicated to the City. CDD/Gubman said the way this would play out if it is to be a public park, is the developer would build it, dedicated it to the City and then the City takes the keys and ongoing maintenance. C/Shah said then it has to be built to the City's standards.

Chair/Torng asked if the park would be in one place or broken up? VC/Nolan felt it should all be in one place because it was too small of an area to divide it up. ACA/Wohlenberg said he believed the motion was still being formulated so staff could make sure it knows exactly what is being proposed.

C/Shah said he thought if they were going to develop a City Park of one and one half acre including an adjacent water quality management area, whatever it calculates to be, that amenity has to be taken from the commercial lot. He said one and one-half acres is a good size.

CDD/Gubman said he heard the 1.5 acres and what he needs is clarification on how much usable park area is wanted.

C/Lee said that if other fellow Commissioners want to put a size in now when eventually the adoption will be decided by the City Council members does not make sense. VC/Nolan disagreed. She suggested that one and one third acres of usable park space area be adjacent to the area off of Cherrydale, adjacent to the water use area.

C/Lee asked VC/Nolan asked if there was any meaning or foundation for why she decided on 1.3 acre. VC/Nolan said yes. She said she walked a couple of parks and the ones that were under an acre were just a couple of small house lot sizes. The Starshine Park was a nice sized park of usable space. She walked off parks counting off how many paces it takes and gone from park to park and saw what it felt like, what it looks like including the dog park spaces and they were comfortable area. If the space is too small it did not make any sense to include a park of that small size. She added that she

understands that the park should not take so much away from the commercial that it hurts that portion of it but she thinks 1.3 acres is an appropriate minimum.

C/Shah said that within the last year and a half he had been involved with the design of about one and one-quarter acres and he agreed with VC/Nolan. He said that he could visualize it and could see it being used. CDD/Gubman said the more exact size of Starshine Park is one and two-thirds acres. VC/Nolan said it was a very comfortable setting, the design of it and the open space. She said she visualized an area where people can actually use it, not just open land for the sake of open land but park settings. An acre and two-thirds of space was doable for her.

C/Shah said he was comfortable with moving forward with the motion for 1.3 acres and Option 2. But the word "usable" space for the park should be included. VC/Nolan asked C/Shah to confirm that it would be one space and not broken up. C/Shah concurred.

ACA/Wohlenberg proposed the recommended resolution language for either option to be included within the staff report. He read the proposed language to the Commission, the original of which would be found on Page 4 of 15 in the staff report. This would be to add to the resolution Section B.5.a.4 to read: "At the time the development is formally submitted to the Planning Commission for consideration, the subsequent plan shall incorporate within its boundaries a neighborhood park of at least 1.3 acres usable area dedicated to the City within the commercial development adjacent to slope areas or waste water management areas and shall incorporate features such as but not limited to, a tot lot, picnic tables, seating areas, shade structures." And he would also include Section B.5.b.8 as originally stated on Page 5 of 15 of staff's report.

C/Shah asked if the amended language could include that "the park be designed to the City's standards and when completed should be dedicated to the City if the City is willing to accept it." ACA/Wohlenberg responded that after where in his previous language he said "dedicated to the City" they could add "and designed and constructed to City standards." And, not waste water management areas but "water quality management areas." He was reminded those are two different things.

Chair/Torng asked if there was any motion.

C/Shah moved to 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 No. 2007-02, reconsider the previous passage of the two previous considerations and the third one to be added to that one with the language provided by the counsel.

ACA/Wohlenberg clarified for the record that the CEQA action is taking place first and that staff's opinion and recommendation that this alteration is within the existing scope of the EIR. C/Shah concurred. VC/Nolan received confirmation that the acreage was 1.3. V/C Nolan Seconded the motion. Motion carried by the following Roll Call vote:

AYES:	COMMISSIONERS:	Shah, VC/Nolan, Chair/Torng
NOES:	COMMISSIONERS:	Lee
ABSTAIN:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	Nelson

Chair/Torng addressed the audience and asked that anyone with questions or concerns should contact the City staff and attend the City Council hearings on this matter.

9. PLANNING COMMISSIONER COMMENTS/INFORMATIONAL ITEMS:

C/Lee said he really appreciated his colleague's efforts and energy to make a better picture for Site D but to him the best scenario for the residents is that Site D should be developed for single residences and public parks. He believed that to be the best scenario. But WVUSD and the developer don't do that because they cannot generate income, he understood that. Hopefully, we made a better decision and then the result would be best for most people.

C/Shah thanked staff and the consultant for doing an excellent job. Everyone stayed with the project and gave the Commission good insight and clarification. To the general public, our job and our intent is to see that we make a decision very seriously and to the benefit of the community, benefit of the City of Diamond Bar residents and to make sure that what the Commission does is legally applicable so the Commission is making a recommendation to the City Council and the City Council will make the final determination.

VC/Nolan congratulated Chair/Torng for his dedication to Diamond Bar and for his Volunteer of the Year award at the Birthday Celebration.

Chair/Torng thanked his colleagues. This is a difficult project and we did it and we did it together even when we have different opinions. That is why we have five Commissioners. All opinions count, and that is very important. He appreciated everyone's efforts and especially staff and the consultant. Thanks for the good job and keep up the good work.

10. STAFF COMMENTS/INFORMATIONAL ITEMS:

10.1 Public Hearing dates for future projects.

CDD/Gubman reminded the Commission to adjourn tonight's meeting to the Special Meeting of May 13, 2010, at 6:30 p.m.

11. SCHEDULE OF FUTURE EVENTS:

As listed in tonight's agenda.

ADJOURNMENT: With no further business before the Planning Commission, Chairman Torng adjourned the regular meeting at 9:47 p.m. to the Special Meeting of May 13, 2010, at 6:30 p.m.

The foregoing minutes are hereby approved this 25th day of May, 2010.

Attest:
Respectfully Submitted,

Greg Gubman
Community Development Director

Tony Torng, Chairman