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Appendix RTC2-B  
**City Council**  
**Staff Reports and Minutes**  
(June 15, July 20, October 19, November 16,  
December 7, and December 21, 2010)

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## CITY COUNCIL

## AGENDA REPORT

**TO:** Honorable Mayor and Members of the City Council

**VIA:** James DeStefano, City Manager 

**TITLE:** General Plan Amendment No. 2007-03, Zone Change No. 2007-04, Specific Plan No. 2007-01 ("Site D Specific Plan"), 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).

**SUMMARY:**

The Site D Specific Plan (SDSP) was prepared to facilitate the processing and approval of future development proposals and associated discretionary and administrative approvals on a 30.36-acre property referred to as Site D. The City and the Walnut Valley Unified School District agreed to collaborate in the planning efforts for the property so that each may advance its respective objectives for the disposition of the property. Key objectives of the Specific Plan are as follows:

- Allow for a maximum of 202 residential dwelling units;
- Allow for a maximum of 153,985 gross square feet of commercial use;
- Provide approximately 10 acres of open space areas, easements and rights-of-way;
- Establish an "A-Level" development framework that provides details for the backbone vehicular circulation system, the creation of master development pads to organize land uses on site, and the infrastructure plan;

- Establish architectural guidelines to promote unifying design elements;
- Prescribe the architectural, landscape and streetscape design criteria to create a visual continuity throughout Site D property; and
- Deliver a “green” and sustainable community through the use of energy efficiency, healthy indoor air quality, waste reduction, water efficiency, pedestrian and bicycle links to reduce vehicle trips, use of renewable and recyclable materials for building construction, water-efficient landscaping featuring indigenous, non-invasive and climate appropriate plant types, etc. The required energy standards for the project exceed those currently mandated by State Title 24.

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.

**RECOMMENDATION:**

1. Certify **Environmental Impact Report 2007-02**;
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, which 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** for Site D Specific Plan, establishing the land use and development standards to facilitate the construction of up to 202 residential dwelling units; up to 153,985 gross sq. ft. of commercial floor area; and a minimum of 10.16 acres of open space areas, easements and rights-of-way; and
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.

## **BACKGROUND:**

The Site D Specific Plan project area consists of 30.36 acres, comprised 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 owned by the City; and
- 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 would be 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 work cooperatively in the planning efforts for Site D so that each may advance its respective objectives for the disposition of the property.

## **ANALYSIS:**

The Planning Commission staff reports in Attachment 6 provide a detailed analysis of the project objectives, surrounding land uses, site characteristics, key elements of the Specific Plan, development standards, circulation and traffic improvements, and the EIR process. Graphic exhibits are included in Attachment 16.

## **Framework of Site D Specific Plan/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 believes that it is in the community's best interest to establish a comprehensive, enforceable planning strategy for Site D, and to do so prior to putting the property on the market. To further this goal, staff determined that a Specific Plan would be the most appropriate planning tool to better ensure a predictable outcome for the eventual build-out of Site D.

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 formal 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.

## **Fulfillment of Goals and Objectives in City's General Plan**

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. While there is tension among several General Plan policies – such as meeting regional housing needs, preserving open space, promoting economic development, and reducing traffic congestion – the role of the City’s decision makers is to determine which goals and policies should be furthered, given the objectives, context, and opportunities associated with each decision under consideration, and thus balance that tension given all the factors in play. The Site D Specific Plan implements the vision of the City’s General Plan as follows:

- Contributes to the diversity of the City’s housing stock in order to provide attractive housing which accommodates people of all ages, cultures, occupations and levels of financial status;
- Promotes viable commercial activity. While Diamond Bar has established local control by incorporating into a City, attendant to that is the responsibility for planning for the economic well being of the City through opportunities for generation of sales tax revenue. Moreover, the proposed commercial component of the Specific Plan provides the opportunity to better serve the southern part of the City by enhancing the range of conveniently-located neighborhood retail uses; and
- Creates a community environment which nurtures social and recreational opportunities for its residents. As recommended by the Planning Commission, a neighborhood public park space of 1.3 net acres is to be incorporated into the commercial development.

The Specific Plan further meets the goals and objectives as listed in the Draft Specific Plan and Finding of Fact attached to the Draft Resolution in Attachment 1.

### **Specific Plan/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;
  - Promoting 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
  - Integrating 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; use of renewable and recyclable materials for building construction, solar panels, and low energy lighting, 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;

- Provides traffic improvements to the Diamond Bar Boulevard/Brea Canyon Road intersection which 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 Impact Report**

In accordance with the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared for the Site D Specific Plan. The EIR provides a detailed analysis of potential environmental impacts associated with the development of the Specific Plan area, identifies mitigation measures to lessen those impacts, and analyzes a range of project alternatives.

Outreach efforts to solicit citizen and public agency input throughout the EIR process included the following actions:

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 EIR, 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. 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.

## Findings of Fact and Statement of Overriding Considerations

Prior to approving the proposed Specific Plan, the City Council must first certify that the Final EIR has been completed in accordance with CEQA; that the Final EIR was presented, reviewed and considered by the City Council; and that the Final EIR reflects the City's independent judgment and analysis. The Council is required to adopt findings in accordance with CEQA Guidelines Section 15091 when significant effects have been identified in the Draft EIR which cannot feasibly be mitigated to less-than-significant levels.

As documented in the Draft EIR, all potential impacts associated with the proposed Specific Plan can be mitigated to less-than-significant levels, except air quality impacts. Specifically, it was determined that construction and operational air quality impacts would exceed daily emissions thresholds established by the Air Quality Management District (AQMD). No alternatives (excluding the "No Project" alternative) or mitigation measures were identified which could reduce air quality impacts below a level of significance; this is largely attributable to the fact that the South Coast Air Basin is already subject to unhealthful air quality levels.

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 Findings of Fact and Statement of Overriding Considerations are attached as Exhibit A to the draft resolution certifying the EIR and adopting the mitigation reporting and monitoring program (Attachment 1). The Findings of Fact identify economic and social benefits that will accrue to the City, to the School District, and to the region, as well as important public policy objectives that will result from the implementation of the proposed project. Therefore, the City Council may find that the proposed project's identified benefits override the project's air quality impacts.

### **Comment Letters Received**

Correspondence received to date is included in the Draft EIR, Response to Comments on the Draft EIR and Planning Commission Staff Reports. Correspondences not published in these documents are included in Attachments 10 through 14.

On May 23, 2010, a letter from Andy Salas, Chairman of the Gabrieleño Band of Mission Indians is included as Attachment 14. The letter contends that the City failed to

perform adequate outreach to the Native American tribes that may have a cultural connection to the area. In accordance with the State's "Tribal Consultation Guidelines" (April 15, 2005), the City has fully complied with all applicable noticing requirements with regards to outreach efforts, including sending a "Local Government Tribal Consultation List Request" to the Native American Heritage Commission (NAHC) on February 1, 2008 and sending copies of the Notice of Preparation to the NAHC, the Gabrieleno/Tongva Tribal Council, the Gabrielino Tongva Nation, and the Gabrielino Band of Mission Indians. The mailing list was obtained from the NAHC website (accessed in late January 2008) which lists the names/contact information for tribal organizations throughout the state. In addition, a Phase I cultural and paleontological resource assessment was prepared as a technical appendix to the EIR. The assessment included direct consultation with the NAHC. The NAHC performed a Sacred Lands File (SLF) record search, which failed to indicate the presence of Native American cultural resources in the immediate project area. Moreover, the NAHC provided the consulting archaeologists with Native American contact list, and letters were sent to each of the contacts via certified mail, and no responses were received. Still, as indicated in the Draft EIR, Mitigation Measure 11-1 requires that a qualified archaeologist shall monitor initial vegetation removal activities in the event that cultural resources, Native American or otherwise, are encountered. A letter from the City's environmental consultant, Environmental Impact Sciences, is included as Attachment 15.

### Specific Plan Amendments

Among the public comments received, it was noted that Section 6.5 of the Specific Plan may grant the Community Development Director overly broad authority to approve revisions to the Specific Plan. To address this concern, staff drafted modified language to more clearly define the limits to the Director's authority. The proposed revised Section 6.5 is provided as Attachment 9, and will be incorporated into the document if the Specific Plan is approved.

### **PLANNING COMMISSION ACTION:**

On April 11, 2010, the Commission opened the public hearing to take public testimony from the public regarding the Draft Environmental Impact Report and all land use entitlements, closed the public hearing, and continued the matter to the April 27, 2010 meeting. Eleven members of the public spoke, and voiced opposition to some or all aspects of the proposed Specific Plan. Concerns revolved largely around the following issues:

- Traffic impacts;
- Visual and aesthetic impacts;
- Opposition to commercial development;

- Conservation of existing open space and preservation of existing trees on-site; and
- Air quality and construction impacts.

A detailed summary of the public testimony is provided in the minutes, which are included in Attachment 7 of this report.

At the conclusion of deliberations during the April 27 meeting, three of the four Commissioners expressed 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 recommendation to incorporate a neighborhood park feature into the plan and directed staff to prepare a revised resolution that reflects the majority's recommendation, and continued the matter to the May 11, 2010 meeting.

At the May 11, 2010 meeting, staff presented an analysis of park alternatives to assist the Commission in determining the size and type of public space to recommend to the City Council. By a 3-1 vote, the Commission recommended certification of the EIR and Statement of Overriding Considerations, adoption of the General Plan Amendment/Zone Change, and approval of the Specific Plan with the added recommendation to incorporate a 1.3 net acre usable neighborhood public park within the area of the project site designated for commercial development, adjacent to slope areas or water quality management areas, and which shall incorporate features such as, but not limited to, a tot lot, picnic tables, seating areas and shade structures. The Commission stated that the park shall be constructed to City standards, and then dedicated to the City. The staff reports, minutes and resolutions adopted at these meetings are attached as Attachments 6-8.

#### **Neighborhood Park Recommendation:**

In addition to making the above recommendations, the Planning Commission recommended incorporating a 1.3 net acre usable neighborhood public park within the commercial component, adjacent to the slope areas or water quality management areas. The recommendation to include a neighborhood park is solely that of the Planning Commission. Should the City Council support the concept, it may also wish to consider the area adjacent to the terminus of Posado Drive as an alternative site. Although not within the commercial subarea of the land use plan, it does have a more direct linkage and access point to the existing neighborhood adjacent to Site D.

#### **ALTERNATIVES TO STAFF RECOMMENDATIONS**

In addition to the staff's recommendation on Page 2, the following alternative actions available to the Council have been identified:

**Alternative Environmental Actions:**

1. Certify the Final Environmental Impact Report, but determine that the Findings of Fact do not warrant the adoption of the Statement of Overriding Considerations, continue the matter and direct staff to prepare the necessary resolution; OR
2. Identify the reasons why the Final EIR should not be certified, specifying the 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 and direct staff to prepare the necessary resolution; OR
3. Continue the item for additional information or revisions to the environmental documents.

**Alternative Project Actions:**

1. Approve the proposed project as recommended by the Planning Commission (which includes a public park amendment) and adopt the resolutions and ordinances included as Attachments 1 through 5 with or without amendments; OR
2. Approve the proposed project and adopt the resolutions and ordinances with additional modifications and amendments as determined by the City Council; OR
3. Deny the proposed project and direct staff to prepare the necessary resolutions OR
4. Remand the proposed project to the Planning Commission with specific direction from the City Council.

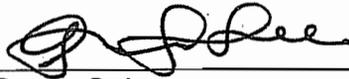
**NOTICE OF PUBLIC HEARING:**

Public hearing notices were mailed to property owners within a 1,000-foot radius of the project site on June 4, 2010, and the notice was published in the Inland Valley Daily Tribune and San Gabriel Valley Tribune newspapers. 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.

**RECOMMENDATION FOR THE JUNE 15, 2010 MEETING:**

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 a date specified by the City Council.

Prepared by:



Grace S. Lee  
Senior Planner

Reviewed by:



Greg Gubman, AICP  
Community Development Director

Reviewed by:

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David Doyle  
Assistant City Manager

**Attachments:**

1. Draft Resolution No. 2010-XX (Certification of the FEIR and Adoption of the Mitigation Reporting and Monitoring Program and Statement of Overriding Considerations)
2. Draft Resolution No. 2010-XX (Approval of GPA)
3. Draft Resolution No. 2010-XX (Approval of TTM)
4. Draft Ordinance No. XX (2010) (Approval of ZC)
5. Draft Ordinance No. XX (2010) (Approval of SP)
6. PC Staff Reports dated April 13 & 27, May 11, 2010
7. PC Minutes of April 13 & 27, May 11, 2010
8. PC Resolution Nos. 2010-12,13,14
9. Revised Section 6.5 of the Specific Plan RE Amendments
10. E-mail from David R. Busse dated May 10, 2010
11. Letter from Mary E. Rodriguez dated May 7, 2010
12. Letter from James Eng dated May 13, 2010
13. Letter from Lindsay Maine dated May 16, 2010
14. Letter from Andy Salas, Chairman of the Gabrieleño Band of Mission Indians dated May 23, 2010
15. Letter from Environmental Impact Sciences Regarding Tribal Consultation dated June 9, 2010
16. Aerial Photo, Land Use Plan, Landscape Concept Plan, Site Sections and Tentative Tract Map

# Attachment 1

## CITY COUNCIL RESOLUTION NO. 2010-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DIAMOND BAR, CALIFORNIA, CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (SCH NO.2008021014) AND APPROVING THE MITIGATION REPORTING AND MONITORING PROGRAM AND ADOPTING 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 June 4, 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, 2010, the Planning Commission of the City of Diamond Bar conducted a duly noticed public hearing, solicited testimony from all interested individuals, closed the public hearing, and continued the matter to May 11, 2010.
5. On April 27 and May 11, 2010, the Planning Commission of the City of Diamond Bar continued and concluded the deliberations. At that time, the Planning Commission recommended that City Council certify the Environmental Impact Report (SCH No. 2008021014) and approve the Mitigation Monitoring Program and adopt Findings of Fact and a Statement of Overriding Considerations for the project.
6. On June 15, 2010, the City Council of the City of Diamond Bar conducted a duly noticed public hearing on the project.

**B. RESOLUTION**

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

1. The City Council hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct;
2. The City Council 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 City Council based on the findings and conclusions set forth herein, hereby finds and determines that conditions have been incorporated into the Project, which mitigate or avoid significant adverse environmental impacts identified in Environmental Impact Report (SCH No. 2008021014) except as

to those effects which are identified and made the subject of a Statement of Overriding Considerations which this City Council 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.

4. The City Council hereby certifies the Environmental Impact Report (SCH No. 2008021014) to be complete and adequate; and adopts 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 City Council 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 XX<sup>th</sup> DAY OF XXXX 2010, BY THE CITY COUNCIL OF THE CITY OF DIAMOND BAR.

By: \_\_\_\_\_  
Carol Herrera, Mayor

I, Tommye Cribbins, City Clerk 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 City Council held on the XX<sup>th</sup> day of XXXX, 2010, by the following vote:

AYES: Council Member:

NOES: Council Member:

ABSENT: Council Member:

ABSTAIN: Council Member:

ATTEST: \_\_\_\_\_  
Tommye Cribbins, City Clerk,  
City of Diamond Bar

# Exhibit A

## FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

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

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

#### 1.0 PROJECT DESCRIPTION

##### 1.1 Project Location

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

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

##### 1.2 Project Description

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

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

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

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

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

### **1.3 Project Objectives**

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

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

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

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

### 1.3.1 Future Growth Needs

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

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

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

### 1.3.2 Senate Bill 375

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

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

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

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

## **2.0 INTRODUCTION TO FINDINGS**

### **2.1 Format of Findings**

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

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

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

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

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<sup>1</sup> Excerpts from *Senate Bill 375 Factsheet* published by SCAG (2010)

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

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

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

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

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

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

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

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

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

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

## **2.2 Findings of Fact and Statement of Overriding Considerations**

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

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

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

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

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

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

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

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

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

### **2.3 Record of Proceedings**

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

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

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

- (6) "Minutes of the City of Diamond Bar Neighborhood Forum of Site "D" Specific Plan Draft Environmental Impact Report, Heritage Park Community Center, 2900 S. Brea Canyon Road, Diamond Bar, August 3, 2009," as prepared by the City of Diamond Bar Community Development Department (Department);
- (7) All written and verbal public testimony presented during noticed scoping meetings and public hearings for the proposed project at which public testimony was taken;
- (8) "Mitigation Reporting and Monitoring Program" (MRMP), as presented in the DEIR and as subsequently adopted by the City Council;
- (9) All agendas, staff reports, and approved minutes of the City's Planning Commission and City Council relating to the proposed project;
- (10) All maps, exhibits, figure, and text comprising the "'Site D' Specific Plan";
- (11) Matters of common knowledge to the City including, but not limited to, federal, State, and local laws, rule, regulations, and standards;
- (12) These Findings and all documents expressly cited in these Findings; and
- (13) Such other relevant materials required to be in the record of proceedings under Section 21167.6(e) of CEQA.

#### **2.4 Custodian and Location of Records**

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

The documents and other materials constituting the administrative record for the City Council's actions related to the FEIR are located at the City of Diamond Bar, Community Development Department, 21825 Copley Drive, Diamond Bar, California 91765-4178. The Community Development Director is the custodian of the administrative record for the proposed project. During the regular business hours of the City, copies of the documents constituting the FEIR's and the 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 extent feasible and finds as stated in these Findings.

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

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

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

#### **4.1 Air Quality**

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

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

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

- (a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated herein by reference.
- (b) The air quality analysis was conducted in accordance with the methodology presented in the South Coast Air Quality Management District's (SCAQMD) "CEQA Air Quality Handbook" (SCAQMD, April 1993), "Localized Significance Threshold Methodology" (SCAQMD, June 2005), and updates included on the SCAQMD Internet web site. The analysis makes use of the URBEMIS2007 urban emissions model (Version 9.4.2) for the determination of daily construction and operational emissions, the United States Environmental Protection Agency's (USEPA) SCEEN3 Dispersion model for localized construction impacts, the provisions of the California Department of Transportation's (Caltrans) "Transportation Project-Level Carbon Monoxide Protocol," and CALINE4 computer model of on-road carbon monoxide (CO) dispersion modeling.
- (c) Air quality impacts will occur during site preparation and construction activities. Major sources of emissions during construction include exhaust emissions, fugitive dust generated as a result of soil and material disturbance during grading activities, and the emission of reactive organic gases (ROGs) during site paving and the painting of the structures.
- (d) The terms "reactive organic gases" (ROGs), "reactive organic compounds" (ROCs), and "volatile organic compounds" (VOCs) are used interchangeably in the DEIR.
- (e) Based on the SCAQMD's recommended threshold criteria, URBEMIS computer model results indicate that ROG emissions associated with the application of paints and coatings could result in a potentially significant short-term air quality impact. Because the construction phase could create ROG emissions in excess of the SCAQMD's recommended significance threshold, the Lead Agency has formulated a number of mitigation measures (Mitigation Measures 7-1 and 7-2) to reduce that impact to the extent feasible.
- (f) In addition to those mitigation measures identified by the Lead Agency, all projects constructed in the South Coast Air Basin (SCAB) are subject to standard conditions and uniform codes. Compliance with these provisions is mandatory and, as such, does not constitute mitigation under CEQA. Those conditions mandated by the SCAQMD include, but are not limited to, the following: (1) Rule 403 requires the use of Best Available Control Technologies (BACT) during construction and sets requirements for dust control associated with construction

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

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

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

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

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

- (a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated herein by reference.
- (b) The major source of long-term air quality impacts is that associated with the emissions produced from project-generated vehicle trips. With regards to mobile source emissions, based on the findings of the traffic analysis, the proposed project is estimated to produce 9,276 average daily vehicle trips (ADT).
- (c) Emissions associated with project-related trips are based on the URBEMIS2007 computer model and assumed site occupancy in 2009. Since emissions per vehicle are reduced annually due to tightening emissions restrictions and replacement of older vehicles, the use of 2009 emission factors presents a worst-case analysis with regards to operational air quality impacts.
- (d) Operational ROG, nitrogen oxides (NO<sub>x</sub>), and carbon monoxide (CO) emissions are projected to exceed the SCAQMD recommended threshold of significance values and the impact is potentially significant. Because project occupancy is projected to create ROG, NO<sub>x</sub>, and CO emissions in excess of the SCAQMD suggested daily criteria, the Lead Agency has formulated a number of mitigation measures (Mitigation Measures 7-3 through 7-7) to reduce that impact to the extent as feasible.
- (e) Implementation of those measures would not be expected to reduce ROG, NO<sub>x</sub>, and CO emission levels to a less-than-significant level. There are no reasonably available mitigation measures than can reduce projected operational ROG, NO<sub>x</sub>, and CO emissions to less-than-significant levels.

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

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

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

- (a) Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) in the FEIR and that analysis is incorporated herein by reference.
- (b) Since ROG emissions associated with the application of asphalt, paints, and coatings and ROG, NO<sub>x</sub>, and CO mobile source emissions are expected to remain significant, the project will add incrementally to the cumulative air quality impact produced by other related projects.
- (c) ROG and NO<sub>x</sub> are criteria pollutant precursors and go on to form secondary criteria pollutants through chemical and photochemical reaction in the atmosphere.
- (d) The SCAB is classified by the State as “extreme non-attainment” for ozone. Ozone is one of a number of substances (photochemical oxidants) that are formed when VOCs and NO<sub>x</sub> react with sunlight.
- (e) Mitigation for the cumulative impact is as specified for construction and operational impacts. However, even with the adoption of the recommended measures, air quality impacts will remain cumulatively significant. No mitigation measures, formulated specifically to address the project’s potential incremental contribution to cumulative air quality impacts, are deemed to be reasonably feasible.

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

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

**5.1 Land Use**

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

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

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

- (a) Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the FEIR and that analysis is incorporated by reference herein.
- (b) Although no commercial site plan has been presented for the Lead Agency’s consideration, once development plans are formulated, those plans are subject to the City’s development review process and must conform to applicable property development and use standards.
- (c) Chapter 22.48 (Development Review) in Title 22 (Development Code) of the Municipal Code establishes procedures for reviewing residential, commercial industrial, and institutional development to facilitate review in a timely and

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

- (d) Single-family attached and/or multi-family residential development is proposed adjacent and in close proximity to existing single-family detached residential areas located to the north, south, and east of the project site. Although residential densities between the two housing product types may vary, both existing and proposed residential uses would be expected to possess similar operational characteristics and use expectations.
- (e) The proposed residential, recreational, and open spaces uses are compatible with existing and proposed development within the general project area.
- (f) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of standard conditions of approval (Conditions of Approval 1-1 and 1-2) designed to promote land-use consistency and compatibility.
- (g) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

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

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

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

- (a) Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the FEIR and that analysis is incorporated by reference herein.
- (b) The proposed project is generally consistent with the policies of the "City of Diamond Bar General Plan" (General Plan).
- (c) In addition to General Plan consistency, the project is subject to compliance with applicable provisions of the Municipal Code, including those contained in Chapter 22.22 (Hillside Management) of the Development Code. In accordance with the provisions of Section 22.22.040 (Density) in Title 22 (Development Code) of the Municipal Code, a total of 524 dwelling units could be developed on the site, which is substantially greater than the 202 dwelling units proposed.
- (d) Although a General Plan amendment (GPA) and/or zone change (ZC) would be required to accommodate the proposed residential use, the proposed densities are allowable in the City. Subject to a GPA and/or ZC, the residential portion of the project would be deemed consistent with the "City of Diamond Bar General Plan" (General Plan).
- (e) Based on existing zoning and assuming a lot-line adjustment to better equate the existing zoning with the site's development potential, as specified in Section 22.10.020 (Purpose of Commercial/Industrial Zoning Districts) in Chapter 22.10 (Commercial/Industrial Zoning Districts) in Title 22 (Development Code) of the Municipal Code, the allowable floor-area-ratio (FAR) for non-residential development in the "Neighborhood Commercial (C-1)" zoning district shall be

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

- (f) The proposed project is generally consistent with the applicable core policies of the Southern California Association of Government's (SCAG) 2008 "Regional Comprehensive Plan – Helping Communities Achieve a Sustainable Future" (2008 RCP).
- (g) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 1-3) designed to provide notification to SCAG of projected growth within the City, so as to allow SCAG to more effectively update regional plans.
- (h) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

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

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

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

- (a) Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the FEIR and that analysis is incorporated by reference herein.
- (b) A specific plan is a regulatory tool, authorized under the provisions of Sections 65450-65457 of the CGC, which is intended to guide the development of a localized area and serve as a tool for the systematic implementation of the general plan. A specific plan document establishes a link between the implementing policies contained in an agency's general plan and the individual development proposal in a defined area. No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the agency's general plan. No public works project, no tentative map, and no zoning ordinance may be approved, adopted, or amended within the area covered by a specific plan unless consistent with the adopted specific plan.
- (c) As indicated in Section 66474, a legislative body of a city or county shall deny approval of a subdivision map if finds that: (a) the proposed map is not consistent with applicable general and specific plans; (b) the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans; (c) the site is not physically suitable for the type of development; (d) the site is not physically suitable for the proposed density of development; (e) the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; (f) the design of the subdivision or type of improvements is likely to cause serious public health problems; and/or (g) the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at

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

- (d) Pursuant to the General Plan, it is the policy of the City to “[e]ncourage the innovative use of land resources and development of a variety of housing and other development types, provide a means to coordinate the public and private provisions of services and facilities, and address the unique needs of certain lands by recognizing Specific Plan (SP) overlay designations: (a) for large scale development areas in which residential, commercial, recreational, public facilities, and other land uses may be permitted; and (b) large acreage property(ies) in excess of ten acres that are proposed to be annexed into the City” (Strategy 1.1.9, Land Use Element).
- (e) The information presented in the FEIR may be used, in whole or in part, by the City and by other responsible agencies to support specific findings as mandated by State law and by agency requirements and procedures, both as may be required under CEQA and as may be required in support of other actions that may be taken by the City and by other agencies with regards to the proposed project or any aspect thereof. In the event that the City and/or other responsible agencies are unable to make requisite findings, those discretionary approvals associated with those findings cannot be issued. In the absence of the issuance of requisite permits and approvals, no physical changes to the project site would be anticipated to occur and no environmental impacts would result therefrom.
- (f) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 1-4) designed to ensure an appropriate nexus between the project’s environmental review and any resulting land-use entitlements.
- (g) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

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

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

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

- (a) Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the FEIR and that analysis is incorporated by reference herein.
- (b) Implementation of the proposed project in combination with those other related projects will result in the further urbanization of the general project area, including the conversion of vacant or under-developed properties to higher-intensity uses.

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

- (c) Anticipated residential development in the City exceeds the population growth estimates formulated by SCAG. SCAG's projections are used as the basis for establishing regional transportation plans. By under-estimating interim local demands, regional plans may not be as effective in responding to areawide interim transportation needs.
- (d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 1-3) designed to apprise SCAG of projected growth within the City, so as to allow SCAG to more effectively update regional plans.
- (e) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

## 5.2 Population and Housing

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

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

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

- (a) Project-related and cumulative population and housing impacts are addressed in Section 4.2 (Population and Housing) in the FEIR and that analysis is incorporated by reference herein.
- (b) During construction, an estimated 73 workers would be associated with the project's 202 multi-family housing units and an additional estimated 49 workers would be associated with the project's 153,985 square feet of commercial use.
- (c) The workforce required for the project's construction, operation, and maintenance can be reasonably drawn from the available regional labor pool.
- (d) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

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

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

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

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

- (b) As indicated in California Department of Finance estimates, in January 2008, the City's population was estimated to be 60,360 individuals. The total number of dwelling units was estimated to be 18,380 units.
- (c) Total number of dwelling units now proposed (202 units) is less than the adopted SCAG 2006-2014 RHNA for new construction for "above moderate" income households (440 units) and only slightly more than SCAG's identified new construction need for "moderate" income households (188 units). The project represents about 18.5 percent of the projected housing needs for the period 2006-2014. Since the projected increase appears generally consistent with regional projections, the project will further the attainment of SCAG's regional housing needs assessment.
- (d) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

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

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

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

- (a) Project-related and cumulative population and housing impacts are addressed in Section 4.2 (Population and Housing) in the FEIR and that analysis is incorporated by reference herein.
- (b) Based on the projected number of direct new jobs (462 jobs) and the number of housing units associated with the proposed project (202 dwelling units), the project's projected on-site jobs-to-housing ratio is about 2.3, indicating the project is "jobs rich." The relatively small number of jobs and housing units, however, is not significant in the broader regional context.
- (c) The inclusion of both residential and commercial uses on the same site serve to further attainment of the primary intent of jobs-housing balance, namely the reduction of vehicle miles traveled (VMT) and the corresponding air quality benefits.
- (c) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

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

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

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

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

- (b) Between 2010 and 2030, the jobs-housing ratio for the City will decrease from only 0.86 to 0.82. As a result, the City will remain “housing rich” and “jobs poor.”
- (c) Based on the projected number of direct new jobs attributable to the proposed project (462 jobs) and the number of housing units (202 units), the project’s projected on-site jobs-to-housing ratio is about 2.3 and the proposed project would be categorized as being “jobs rich.” As a result, the proposed project promotes the attainment of SCAG’s jobs-housing policies and would not incrementally contribute to the existing imbalance.
- (d) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

### 5.3 Geotechnical Hazards

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

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

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

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

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

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

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

- (a) Project-related and cumulative geotechnical hazards impacts are addressed in Section 4.3 (Geotechnical Hazards) in the FEIR and that analysis is incorporated by reference herein.
- (b) Information and analysis concerning the existing geologic, geotechnical, seismic, and soils setting, including specific design and development recommendations formulated in response thereto, are presented in "Preliminary Geotechnical Engineering Report: Site D-Mass Grading, Walnut Valley Unified School District, Diamond Bar, California" (KFM GeoScience, January 15 2008).
- (c) The proposed project is feasible from a geotechnical perspective, provided that the recommendations presented in the project's geotechnical investigations are incorporated into the project's design and construction. Since the Applicant has committed to the incorporation of those recommendations, they are part of the proposed project and the project's design, construction, and operation will occur in conformity and compliance therewith.
- (d) Design and development activities will occur in conformance with applicable UBC and 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 (CNDDDB).
- (d) Rare natural communities are those communities that are of highly limited distribution. The most current version of the California Department of Fish and Game's "The Vegetation Classification and Mapping Program – List of California Terrestrial Natural Communities Recognized by the California Natural Diversity Database" (CDFG, 2003) serves as a guide to each community's status.
- (e) California walnut woodlands and southern willow scrub are considered high-priority for inventory under the CNDDDB because they are experiencing decline throughout its range. These habitats are marginal in its value because they are fragmented (i.e., not contiguous with similar habitats) and not expected to support sensitive species. Focused sensitive plant surveys were negative and habitat assessments for sensitive wildlife species (e.g., the least Bell's vireo and southwestern willow flycatcher) determined that these habitats are not suitable to support these species.
- (f) Although California walnut woodlands and southern willow scrub are associated with United States Army Corps of Engineers (ACOE), Regional Water Quality Control Board (RWQCB), the loss, removal, and destruction of these plant communities on the project site would neither eliminate nor substantially diminish the functions and values of the on-site drainages as a regional biological resource.
- (g) The project would cause the direct mortality of some common wildlife species and the displacement of more mobile species to suitable habitat areas nearby. These impacts, by themselves, would not be expected to reduce general wildlife populations below self-sustaining levels within the region.
- (h) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

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

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

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

- (a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.
- (b) Project implementation will result in direct impacts to approximately 2,125 linear feet of streambed. A total of approximately 0.20 acre of ACOE/RWQCB jurisdictional waters of the United States (WoUS) and approximately 4.10 acres of CDFG jurisdictional streambed and associated riparian habitat would be impacted by the proposed development. No direct impacts to jurisdictional waters are anticipated beyond the project boundaries.
- (c) The project will require a nationwide Section 404 (CWA) permit from the ACOE, a Section 401 (CWA) water quality certification from the RWQCB, and a Section 1602 (CFGC) streambed alteration agreement from the CDFG. Impacts to jurisdictional features will be subject to the regulations set forth by the ACOE, RWQCB, and CDFG and will require mitigation or result in the imposition of other conditions for the identified impacts to jurisdictional waters.
- (d) In recognition of the presence of jurisdictional waters, a mitigation measure (Mitigation Measure 5-1) has been included in the FEIR and adopted or likely to be adopted in the MRMP specifying that, unless a greater ratio is required by permitting agencies: (1) the on-site and/or off-site replacement of ACOE/RWQCB jurisdictional waters and wetlands occur at a 2:1 ratio; (2) the on-site and/or off-site replacement of CDFG jurisdictional streambed and associated riparian habitat occur at a 2:1 ratio; and (3) the incorporation of design features into the proposed project's design and development. Implementation of that measure will reduce identified impacts to below a level of significance.

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

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

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

- (a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.
- (b) A total of 75 California black walnut, six willow, and two coast live oak trees will be impacted by the proposed project. Each of these species is protected trees under Chapter 22.38 of the Municipal Code. The Oaks and Willows, however, do not meet the size criteria in the tree ordinance to be classified as protected trees. As required therein, the City may require a tree maintenance agreement prior to removal of any protected tree or commencement of construction activities that may adversely affect the health and survival of trees to be preserved.
- (c) The project is subject to compliance with the provision of Chapter 22.38 (Tree Preservation and Protection) of the Municipal Code.
- (d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of standard conditions of approval (Conditions of Approval 5-

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

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

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

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

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

- (a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.
- (b) One sensitive bird species (Cooper's hawk) was observed within the project area and three additional species (white-tailed kite, sharp-shinned hawk, and loggerhead shrike) have the potential to occur within the study area due to the presence of suitable habitat. Since these species are not protected by federal or State listings as threatened or endangered and since the loss of individuals would not threaten the regional populations.
- (c) Based on the presence of suitable vegetation, the removal of vegetation during the breeding season (typically extending between February 15 and August 15) could constitute a potentially significant impact.
- (d) Disturbing or destroying active nests is a violation of the federal Migratory Bird Treaty Act and nests and eggs are protected under Section 3503 and 3513 of the California Fish and Game Code.
- (e) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 5-4) promoting vegetation removal activities outside the nesting bird season.
- (f) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

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

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

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

- (a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.
- (b) The project site is located to the north of the area identified by the Conservation Biological Institute as part of the "Puente-Chino Hills wildlife corridor."

- (c) Although wildlife movement corridors exist in the general project area, the project site does not serve any connectivity or linkage role with regards to regional wildlife movement.
- (d) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

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

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

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

- (a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.
- (b) Urban stormwater runoff regulations now mandate the construction and maintenance of structural BMPs for both volume reduction and pollution management. Those BMPs can create additional sources of standing water and sources for mosquito propagation.
- (c) In the general project area, vector control is performed by the Greater Los Angeles County Vector Control District (GLACVCD), a County special district funded by ad valorem property and benefit assessment taxes.
- (d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition of approval (Condition of Approval 5-5) requiring that BMP devices shall be designed in consultation with the Greater Los Angeles County Vector Control District and shall be of a type which minimizes the potential for vector (public nuisance) problems.
- (e) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional standard conditions and/or mitigation measures are recommended or required.

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

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

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

- (a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the FEIR and that analysis is incorporated by reference herein.
- (b) Implementation of the proposed project and other reasonably foreseeable future projects will contribute incrementally to the continuing urbanization of the region.
- (c) The proposed project will impact approximately 2.1 acres of California walnut woodland and 0.3 acres of southern willow scrub habitat. As a result, the project

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

- (d) Although California walnut woodlands and southern willow scrub are considered high-priority for inventory under the CNDDDB, these on-site habitats are marginal in its value because they are fragmented and not expected to support sensitive species. As a result, the incremental reduction in these habitats would not be cumulatively significant.
- (e) Under Section 22.38.030 of the Municipal Code, protected trees, including “native oak, walnut, sycamore and willow trees with a DBH [diameter at breast height] of eight inches or greater” shall be replaced at a minimum ratio of 3:1.
- (f) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no standard conditions and/or mitigation measures are recommended or required.

## 5.6 Traffic and Circulation

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

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

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

- (a) Project-related and cumulative traffic and circulation impacts are addressed in Section 4.6 (Traffic and Circulation) in the FEIR and that analysis is incorporated by reference herein.
- (b) Information and analysis concerning the existing traffic and circulation setting, including an assessment of project-related impacts, is presented in “Traffic Impact Analysis Report, WVUSD Site D Mixed-Use Development, Diamond Bar, California” (Linscott, Law & Greenspan Engineers, April 23, 2009).
- (c) Construction traffic, including vehicles associated with the transport of heavy equipment and building materials to and from the project site and construction workers commuting to and from work, will increase traffic volumes along Diamond Bar Boulevard and Brea Canyon Road and, because site access can be obtained from Castle Rock Road and Pasado Drive, construction workers may elect to park along and construction vehicles could stage at those roadways.
- (d) Existing (2007) daily traffic volumes along project area roadway segments include: (1) Brea Canyon Road (north of Diamond Bar Boulevard) – 4,896 average daily trips (ADT); (2) Brea Canyon Road (south of Diamond Bar Boulevard) – 12,696 ADT; (3) Diamond Bar Boulevard (north of Cherrydale Drive) – 20,512 ADT; and, (4) Brea Canyon Cutoff (west of Fallow Field-Diamond Canyon) – 11,003 ADT. Since the projected 854 construction trips would be substantially less than those existing capacity figures and would primarily occur during off-peak periods, construction-related traffic would not adversely affect the existing levels of service (LOS) along those roadways.
- (e) Compliance with and enforcement of speed laws and other provisions of the California Vehicle Code (CVC) and the safe use and operation of vehicles by their drivers would be expected to keep public safety issues at a less-than-significant level.

- (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<sub>2</sub>), particulate matter less than 10 microns (PM<sub>10</sub>), and particulate matter less than 2.5 microns (PM<sub>2.5</sub>) 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<sub>2</sub>) 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<sub>2</sub>) is the most common greenhouse gas. Construction activities would consume fuel and result in the generation of GHG emissions. Construction CO<sub>2</sub> 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<sub>2</sub> 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<sub>2</sub>, 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<sub>2</sub> 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<sub>2</sub> equivalent for 2000 and 532 million metric tons (568.4 short tons) CO<sub>2</sub> 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<sub>2</sub> 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 valorem 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, predicated 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 compliance 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<sup>2</sup>). 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 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 of 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 of 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 of 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 than 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 of 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 of 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
	<b>Biological Resources</b>		
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
	<b>Traffic and Circulation</b>		
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) Collima 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
	<b>Air Quality</b>		
7-1	All non-residential paints shall contain no more than 0.22 pound/gallon (100 gram/liter) of volatile organic compound (VOC).		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.	Community Development Director	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.		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.	City Engineer	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 630 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 Descendant 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

### CITY COUNCIL RESOLUTION NO. 2010-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DIAMOND BAR, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT NO. 2007-03 AND ZONE CHANGE NO. 2007-04 FOR PROPERTY 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:
  - (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 certifying the EIR, adopting of a mitigation reporting and monitoring program, and adopting "Findings of Facts and Statement of Overriding Considerations" for the project is being reviewed by the City Council 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 June 4, 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, 2010, the Planning Commission of the City of Diamond Bar conducted a duly noticed public hearing, solicited testimony from all interested individuals, closed the public hearing, and continued the matter to May 11, 2010;
  8. On April 27 and May 11, 2010, the Planning Commission of the City of Diamond Bar continued and concluded the deliberations. At that time, the Planning Commission recommended that the City Council approve General Plan Amendment No. 2007-03 and Zone Change No. 2007-04 for property comprised of approximately 30.36 acre located at the southeast corner of Brea Canyon Road and Diamond Bar Boulevard, Diamond Bar, California.

9. On June 15, 2010, the City Council of the City of Diamond Bar conducted a duly noticed public hearing on the project.
10. The City Council 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
11. 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 City Council of the City of Diamond Bar as follows:

1. The City Council 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 City Council hereby finds as follows:
  - a. 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. 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 City Council 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 XX<sup>th</sup> DAY OF XXXX 2010, BY THE CITY COUNCIL OF THE CITY OF DIAMOND BAR.

By: \_\_\_\_\_  
Carol Herrera, Mayor

I, Tommye Cribbins, City Clerk 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 City Council held on the XX<sup>th</sup> day of XXXX, 2010, by the following vote:

- AYES:            Council Member:
- NOES:           Council Member:
- ABSENT:        Council Member:
- ABSTAIN:       Council Member:

ATTEST: \_\_\_\_\_  
Tommye Cribbins, City Clerk  
City of Diamond Bar

# Attachment 3

## CITY COUNCIL RESOLUTION NO. 2010-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DIAMOND BAR, CALIFORNIA, APPROVING TENTATIVE TRACT MAP NO. 70687 FOR SUBDIVISION OF 30.36 ACRES SITE FOR RESIDENTIAL AND COMMERCIAL PURPOSES 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 Project is being reviewed by the City Council 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 certifying the EIR, adopting a mitigation reporting and monitoring program, and adopting "Findings of Facts and Statement of Overriding Considerations" for the project is being reviewed by the City Council concurrently with this resolution;
5. The following approvals are requested of 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.
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 June 4, 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, 2010, the Planning Commission of the City of Diamond Bar conducted a duly noticed public hearing, solicited testimony from all interested individuals, closed the public hearing, and continued the matter to May 11, 2010; and
  8. On April 27 and May 11, 2010, the Planning Commission of the City of Diamond Bar continued and concluded the deliberations. At that time, the Planning Commission recommended that 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 adopt the Site D Specific Plan for development of the site with 202 residential units and 153,985 gross sq. ft. of commercial use.
  9. On June 15, 2010, the City Council of the City of Diamond Bar conducted a duly noticed public hearing on the project.
  10. 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 City Council of the City of Diamond Bar as follows:

1. The City Council 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 City Council 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 City Council 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 City Council 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 City Council hereby finds as follows:
  - a. The project 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: Subdivision of an approximately 30.36 acre property 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 City Council makes 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. There is a flood control channel right-of-way, which may be utilized as part of the project's development plan. Prior to the issuance of a grading permit, the future developer shall obtain all requisite permits and approvals from the L.A. 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.*

- 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.*

- 5. Based on the findings and conclusions set forth herein, the City Council hereby finds and approves Tentative Tract Map No. 70687, subject to the following conditions, the attached Conditions of Approval and the Mitigation Reporting and Monitoring Program attached herein as Exhibits A and B and hereby incorporated by reference:

- a. GENERAL

- 1. This approval for 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 as Exhibits A and B; and

3. The development shall comply with the Conditions of Approval/Performance Standards in the Site D Specific Plan. A copy is attached hereto and referenced herein.
4. At the time that a development plan is formally submitted for Planning Commission consideration, the subsequent plan shall incorporate within its boundaries a neighborhood park of at least 1.3 acres usable area, accessible from a public roadway, dedicated to the City, constructed to City standards, within the area designated for commercial development, adjacent to slope areas or water quality management areas, and which shall incorporate features such as, but not limited to, a tot lot, picnic tables, seating areas and shade structures.

b. TENTATIVE TRACT CONDITIONS

1. The Final Map shall provide parcels, easements or rights-of-way for streets, fire roads and firebreaks, 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 Final Map shall be modified, where applicable, to incorporate mitigation measures identified through the environmental review process, except where a statement of overriding considerations has been adopted in compliance with CEQA;
3. The Final Map 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 Final Map 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 Final Map shall dedicate additional land for access rights, bicycle and pedestrian 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;

7. The Tentative Tract Map shall be modified to be consistent with the General Plan land use designation adopted as part of the Specific Plan;
8. The Final Map shall include a lot delineating the boundaries of the park as prescribed under Subsection B5.a.4 of this Resolution, dedicated to the City, accessible from a public roadway and constructed to City standards. Final configuration and location shall necessitate a revised Tentative Tract Map, subject to review of the Planning Commission and City Council. Such determination shall be made by the Community Development and Public Works Directors;
9. A title report/guarantee showing all fee owners, interest holders, and nature of interest shall be submitted for Final Map plan check. An updated title report/guarantee and subdivision guarantee shall be submitted ten (10) business days prior to final map approval;
10. Prior to Final Map approval, if any public or private improvements required as part of this map have not been completed by the future developer and accepted by the City, the future developer shall enter into a subdivision agreement with the City and shall post the appropriate security;
11. Easements, satisfactory to the City Engineer and the utility companies, for public utility and public services purposes shall be offered and shown on the Final Map for dedication to the City;
12. After the Final Map records, the future developer shall submit to the Public Works/Engineering Department, at no cost to the City, a full size reproducible copy of the recorded map. Final approval of the public improvements shall not be given until the copy of the recorded map is received by the Public Works/Engineering Department;
13. Any and all public street light improvements associated with this Tract Map shall be annexed into the L.A. County Lighting Maintenance District 10006 and L.A. County Light District LLA-1 Diamond Bar Zone, as determined by the City Engineer.
14. All newly created lots and parcels shall be incorporated into the Citywide Lighting and Landscape Assessment District #38.
15. The Final Map shall be in substantial conformance with the approved Tentative Tract Map; and
16. In accordance with Government Code Section 66474.9(b) (1), the future developer shall defend, indemnify, and hold harmless the City, and its officers, agents and employees, from any claim,

action, or proceeding to attack, set-aside, void or annul the approval of Tentative Tract Map No. 70687 brought within the time period provided by Government Code Section 66499.37. In the event the city and/or its officers, agents and employees are made a party of any such action:

(a) The future developer shall provide a defense to the City defendants or at the City's option reimburse the City its costs of defense, including reasonable attorneys fees, incurred in defense of such claims.

(b) The future developer shall promptly pay any final judgment rendered against the City defendants. The City shall promptly notify the future developer of any claim, action of proceeding, and shall cooperate fully in the defense thereof.

The City Council 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 XX<sup>th</sup> DAY OF XXXX 2010, BY THE CITY COUNCIL OF THE CITY OF DIAMOND BAR.

By: \_\_\_\_\_  
Carol Herrera, Mayor

I, Tommye Cribbins, City Clerk 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 City Council held on the XX<sup>th</sup> day of XXXX, 2010, by the following vote:

- AYES:            Council Member:
- NOES:            Council Member:
- ABSENT:        Council Member:
- ABSTAIN:       Council Member:

ATTEST: \_\_\_\_\_  
Tommye Cribbins, City Clerk  
City of Diamond Bar

Table ES-3  
**RECOMMENDED CONDITIONS OF PROJECT APPROVAL**

No.	Condition of Approval
	<p><b>Land Use</b></p> <p>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.</p>
1-1	<p>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.</p>
1-2	<p>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.</p>
1-3	<p>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.</p>
1-4	<p><b>Geotechnical Hazards</b></p> <p>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.</p>
3-1	<p><b>Hydrology and Water Quality</b></p> <p>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.</p>
4-1	<p>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.</p>
4-2	

Table ES-3  
**RECOMMENDED CONDITIONS OF PROJECT APPROVAL**

No.	Condition of Approval
<b>Biological Resources (Continued)</b>	
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, where 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.
<b>Transportation and Circulation</b>	
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
	<b>Transportation and Circulation (Continued)</b>
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, 2006) 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.
	<b>Air Quality</b>
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.

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

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
	<p><b>Utilities and Service Systems</b></p> <p>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.</p>
12-1	<p><b>Aesthetics</b></p> <p>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.</p>

# Exhibit B

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

Table ES-2  
**DRAFT MITIGATION REPORTING AND MONITORING PROGRAM**

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
5-1	<p><b>Biological Resources</b></p> <p>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.</p>	Community Development Director	Issuance of Grading Permits
6-1	<p><b>Traffic and Circulation</b></p> <p>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.</p>	City Engineer	Final Tract Map Recordation
6-2	<p>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.</p>	City Engineer	Site Plan Approval
7-1	<p><b>Air Quality</b></p> <p>All non-residential paints shall contain no more than 0.22 pound/gallon (100 gram/liter) of volatile organic compound (VOC).</p>	Community Development Director	Building Permit Issuance
7-2	<p>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.</p>	City Engineer	Building Permit Issuance
7-3	<p>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.</p>	City Engineer	Building Permit Issuance
7-4	<p>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.</p>	City Engineer	Building Permit Issuance

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

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	<b>Air Quality (Continued)</b>		
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.		
	<b>Noise</b>		
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

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

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

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	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
	<b>Cultural Resources</b>		
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 Descendant 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
<b>Cultural Resources (Continued)</b>			
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
<b>Aesthetics</b>			
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

### ORDINANCE NO. XX (2010)

**AN ORDINANCE OF THE CITY OF DIAMOND BAR APPROVING ZONE CHANGE NO. 2007-04 CHANGING THE EXISTING ZONING TO SPECIFIC PLAN FOR PROPERTY COMPRISED OF APPROXIMATELY 30.36 ACRES LOCATED AT THE SOUTHEAST CORNER OF BREA CANYON ROAD AND DIAMOND BAR BOULEVARD, DIAMOND BAR, CALIFORNIA (ASSESSORS PARCEL NUMBER 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/lead agency/co-applicant, City of Diamond Bar, executed a Memorandum of Understanding whereby the parties agreed to collaborate in the planning of the future land use to rezone 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. Hereinafter in this resolution, the subject Environmental Impact Report and Mitigation Monitoring Program shall collectively be referred to as the "Application;"
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 was reviewed by the City Council before project approval;
3. 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" was approved by the City Council prior to considering this resolution;
4. 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;
5. The following approval is requested to the City Council:

- (a) Specific Plan No. 2007-01 to change the zoning districts from Low Density Residential (RL), Low/Medium Density Residential (RLM), and Neighborhood Commercial (C-1) to Specific Plan;
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 June 4, 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 and concluded a duly noticed public hearing on the application and approved Resolution No. 2010-13 recommending the City Council approve Zone Change No. 2007-04;
8. On June 15, 2010, the City Council of the City of Diamond Bar conducted a duly noticed public hearing on the application. On XXX X, 2010, held a public hearing on a second reading of Specific Plan No. 2007-01;
9. The City Council 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
10. 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, the City Council of the City of Diamond Bar does hereby ordain as follows:

1. The City Council hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Ordinance are true and correct;
2. The City Council finds that the initial study prepared for the project identified above in this Resolution concluded that an Environmental Impact Report (EIR) No. 2007-02 (SCH No. 2008021014) be prepared. An EIR has been prepared according to the requirements of the California Environmental Quality Act (CEQA) and guidelines promulgated thereunder. On June 15, 2010, the City Council reviewed the EIR and adopted Resolution No. 2010-XX certifying the EIR as complete and adequate after conducting and concluding a duly noticed public hearing.

On XXX X, 2010, the City filed a Notice of Determination with the Los Angeles County Clerk's office pursuant to Section 15094 of the CEQA Guidelines;

3. This City Council does hereby find, as required by Municipal Code Section 22.70.050 and in conformance with California Government Code Section 65853 and 65860, that the Zone Change No. 2007-04 is consistent with the General Plan, as follows:

- a. 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; and

4. The City Council does hereby approve Zone Change No. 2007-04 based on the above findings, as required by Municipal Code Section 22.70.050 and in conformance with California Government Code Sections 65853 and 65860.
5. The City Council hereby adopts the Site D Specific Plan No. 2007-01 attached herein as Exhibit A and hereby incorporated by reference.
6. The Community Development Director shall modify the Official Zoning Map in accordance with this ordinance to indicate thereon that the real property legally described in Exhibits A-1 through A-4 as attached herein is within the Site D Specific Plan.

The City Council shall:

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

APPROVED AND ADOPTED THIS XX<sup>th</sup> DAY OF XXX 2010, BY THE CITY COUNCIL OF THE CITY OF DIAMOND BAR.

By: \_\_\_\_\_  
Carol Herrera, Mayor

I, Tommye Cribbins, City Clerk of the City of Diamond Bar, do hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Diamond Bar on the XX<sup>th</sup> day of XXXX, 2010, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

ATTEST: \_\_\_\_\_  
Tommye Cribbins, City Clerk

## EXHIBIT A

### **Site D Specific Plan**

Copies of the Final Draft of the Site D Specific Plan, dated March 19, 2010, are available for public inspection and review at the City Clerk's Office in City Hall and the Diamond Bar Public Library.

**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 41°1'33" 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 42°1'50" 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 42°1'50" 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.

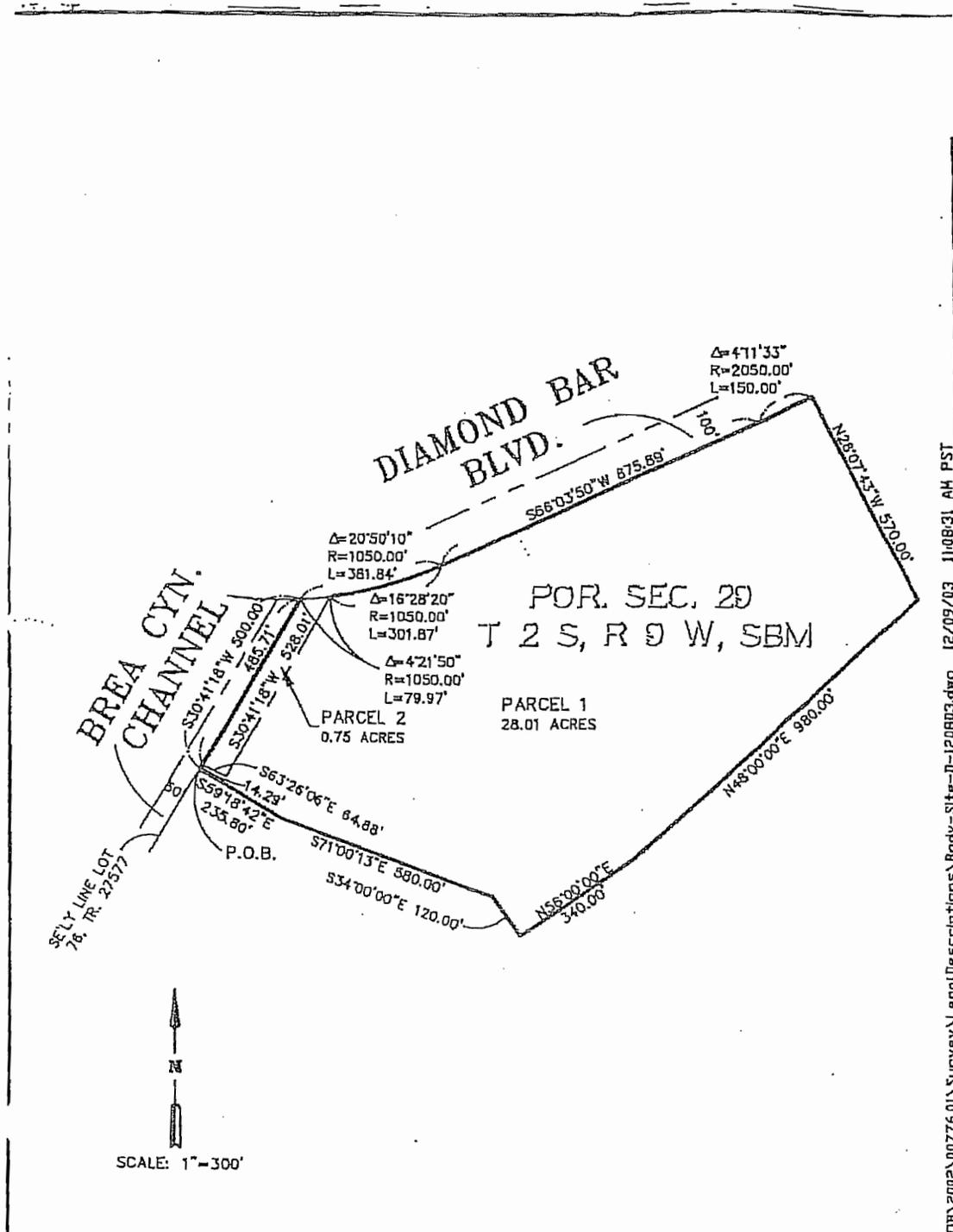
EXCEPT THEREFROM ALL OIL, GAS AND OTHER HYDROCARBONS AND MINERALS NOW OR AT ANY TIME HEREAFTER SITUATED THEREIN OR THEREUNDER, TOGETHER WITH THE EXCLUSIVE RIGHT TO DRILL FOR, PRODUCE, EXTRACT, TAKE AND MINE THEREFROM SUCH OIL, GAS AND OTHER HYDROCARBONS AND MINERALS AND TO STORE THE SAME UPON THE SURFACE 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

F:\DATA\2002\00776\01\Survey\1 - final\Descriptions\Body-Site-D-120803.dwg 12/09/03 11:08:31 AM PST

**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:

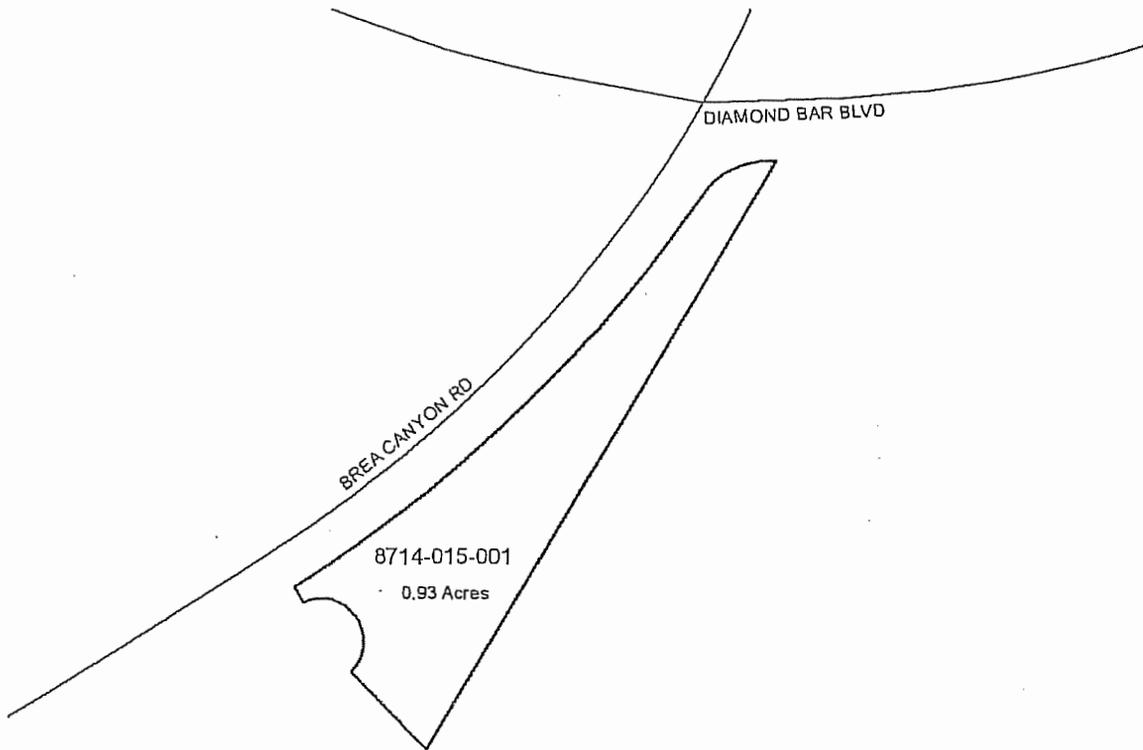
THAT AREA SHOWN AS "NOT A PART OF THIS SUBDIVISION ON THE MAP OF TRACT NO. 27577, AS PER MAP RECORDED IN BOOK 702 PAGES 22 THROUGH 25 INCLUSIVE OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

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



## Attachment 5

### ORDINANCE NO. XX (2010)

**AN ORDINANCE OF THE CITY OF DIAMOND BAR APPROVING SITE D SPECIFIC PLAN, SPECIFIC PLAN NO. 2007-01, FOR PROPERTY COMPRISED OF APPROXIMATELY 30.36 ACRES LOCATED AT THE SOUTHEAST CORNER OF BREÁ CANYON ROAD AND DIAMOND BAR BOULEVARD, DIAMOND BAR, CALIFORNIA (ASSESSORS PARCEL NUMBER 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/lead agency/co-applicant, City of Diamond Bar, executed a Memorandum of Understanding whereby the parties agreed to collaborate in the planning of the future land use to rezone 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. Hereinafter in this resolution, the subject Environmental Impact Report and Mitigation Monitoring Program shall collectively be referred to as the "Application;"
2. Pursuant to Development Code Section 22.60.040 and Government Code Section 65451 as part of the application for Specific Plan 2007-01, the Site D Specific Plan contains a land use plan that divides the property into three sub-planning areas (Residential, Commercial, and Open Space/Circulation), proposed infrastructure improvements, implementation measures, a discussion of the plan's relationship to the General Plan, and land use development standards and guidelines for future development of the specific plan site with 202 residential dwelling units; 153,985 gross sq. ft. of commercial use; and approximately 10 acres of open space areas, easements, and rights-of-way.
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 was reviewed by the City Council before project approval;
4. In accordance to 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" was approved by the City Council prior to considering this resolution;

5. The application is being reviewed by the City Council concurrently with General Plan Amendment No. 2007-03, Zone Change No. 2007-04, Tentative Tract Map No. 70687, and Environmental Impact Report No. 2007-02;
6. The following approval is requested to the City Council:
  - (a) Specific Plan No. 2007-01 to change the zoning districts from Low Density Residential (RL), Low/Medium Density Residential (RLM), and Neighborhood Commercial (C-1) to Specific Plan;
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 June 4, 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, 2010 and continued to May 11, 2010, the Planning Commission of the City of Diamond Bar conducted and concluded a duly noticed public hearing on the application and approved Resolution No. 2010-14 recommending the City Council approve Specific Plan No. 2007-01;
9. Said Resolution No. 2010-14 included a recommendation from the Planning Commission to incorporate a 1.3 net acre usable neighborhood public park within the area of the project site designated for commercial development, adjacent to slope areas or water quality management areas, and which shall incorporate features such as, but not limited to, a tot lot, picnic tables, seating areas and shade structures. In addition, the park shall be constructed to City standards, and then dedicated to the City.
10. On June 15, 2010, the City Council of the City of Diamond Bar conducted a duly noticed public hearing on the application. On XXX X, 2010, held a public hearing on a second reading of Specific Plan No. 2007-01;
11. The City Council has determined that the proposed Specific Plan 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
12. The documents and materials constituting the administrative record of the proceedings upon which the City's decision is based are located at the

**B. RESOLUTION**

NOW, THEREFORE, the City Council of the City of Diamond Bar does hereby ordain as follows:

1. The City Council hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Ordinance are true and correct;
2. The City Council finds that the initial study prepared for the project identified above in this Resolution concluded that an Environmental Impact Report (EIR) No. 2007-02 (SCH No. 2008021014) be prepared. An EIR has been prepared according to the requirements of the California Environmental Quality Act (CEQA) and guidelines promulgated thereunder. On June 15, 2010, the City Council reviewed the EIR and adopted Resolution No. 2010-XX certifying the EIR as complete and adequate after conducting and concluding a duly noticed public hearing. On XXXX X, 2010, the City filed a Notice of Determination with the Los Angeles County Clerk's office pursuant to Section 15094 of the CEQA Guidelines;
3. This City Council 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 this application, there is no evidence before this City Council 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 City Council 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 City Council hereby finds 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 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 10 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; and
- 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 acres of open space areas, easements, and rights-of-way.

Specific Plan: Pursuant to Development Code Section 22.60.040 and Government Code Section 65451, the City Council finds as follows:

- f. The Site D Specific Plan document contains plans showing the distribution, location and extent of the uses of land, including open space;
- g. The Site D Specific Plan includes the proposed distribution, location, extent, and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan;
- h. The Site D Specific Plan includes standards and criteria for development to proceed, and standards for the conservation, development, and utilization of natural resources;
- i. The Site D Specific Plan includes a program of implementation measures including regulations and performance standards to carry out the project; and

- j. 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 above, the City Council approves Specific Plan No. 2007-01 attached herein as Exhibit A with the following conditions:
    - a. GENERAL
      1. This approval for the Site D Specific Plan shall be null and void and of no effect unless the EIR (SCH No. 2008021014) is certified, the Mitigation Reporting and Monitoring Program, Findings of Facts and Statement of Overriding Considerations are adopted, and General Plan Amendment No. 2007-03, Zone Change No. 2007-04, and Tentative Tract Map No. 70687 are approved;
      2. In addition to the conditions in this Ordinance, all conditions of approval in City Council Resolution No. 2010-XX for Tentative Tract Map No. 70687 shall be complied with. A copy is attached hereto and referenced herein; and
      3. The project shall comply with the Mitigation Reporting and Monitoring Program for EIR 2007-02 (SCH No. 2008021014). A copy is attached hereto and referenced herein.
  6. The Community Development Director shall modify the Official Zoning Map in accordance with this ordinance to indicate thereon that the real property legally described in Exhibits A-1 through A-4 as attached herein is within the Site D Specific Plan.

The City Council shall:

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

APPROVED AND ADOPTED THIS XX<sup>th</sup> DAY OF XXXX 2010, BY THE CITY COUNCIL OF THE CITY OF DIAMOND BAR.

By: \_\_\_\_\_  
Carol Herrera, Mayor

I, Tommye Cribbins, City Clerk of the City of Diamond Bar, do hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Diamond Bar on the XX<sup>th</sup> day of XXXX, 2010, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

ATTEST: \_\_\_\_\_  
Tommye Cribbins, City Clerk

EXHIBIT A

**Site D Specific Plan**

Copies of the Final Draft of the Site D Specific Plan, dated March 19, 2010, are available for public inspection and review at the City Clerk's Office in City Hall and the Diamond Bar Public Library.

**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 41°1'33" 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 42°1'50" 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 42°1'50" 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.

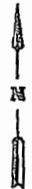
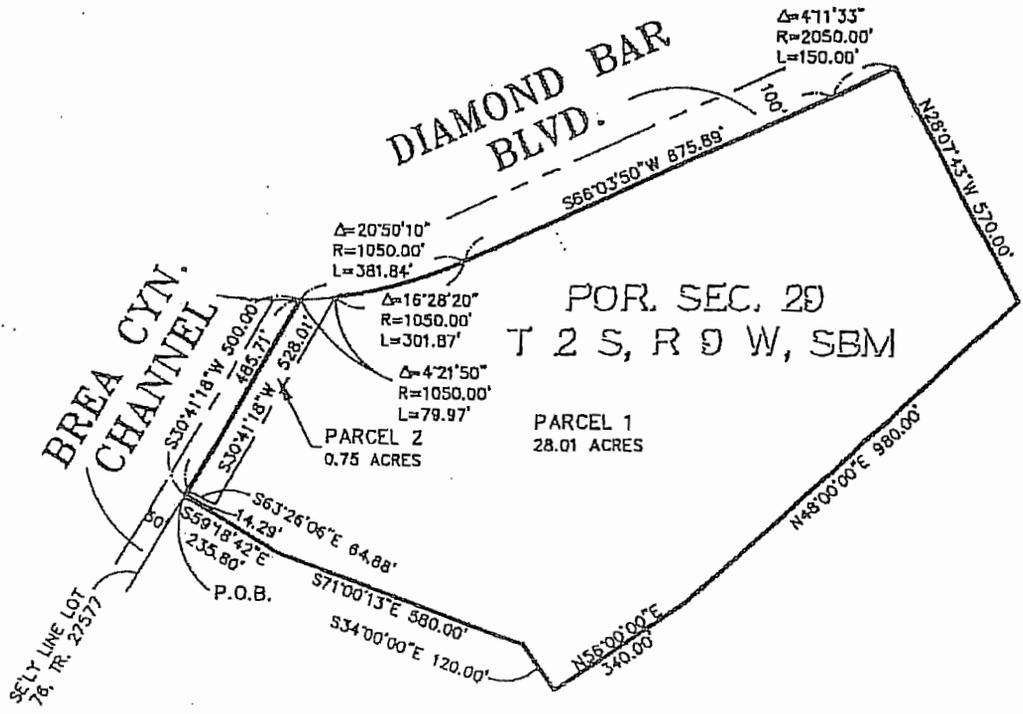
EXCEPT THEREFROM ALL OIL, GAS AND OTHER HYDROCARBONS AND MINERALS NOW OR AT ANY TIME HEREAFTER SITUATED THEREIN OR THEREUNDER, TOGETHER WITH THE EXCLUSIVE RIGHT TO DRILL FOR, PRODUCE, EXTRACT, TAKE AND MINE THEREFROM SUCH OIL, GAS AND OTHER HYDROCARBONS AND MINERALS AND TO STORE THE SAME UPON THE SURFACE 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**



SCALE: 1" = 300'

**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

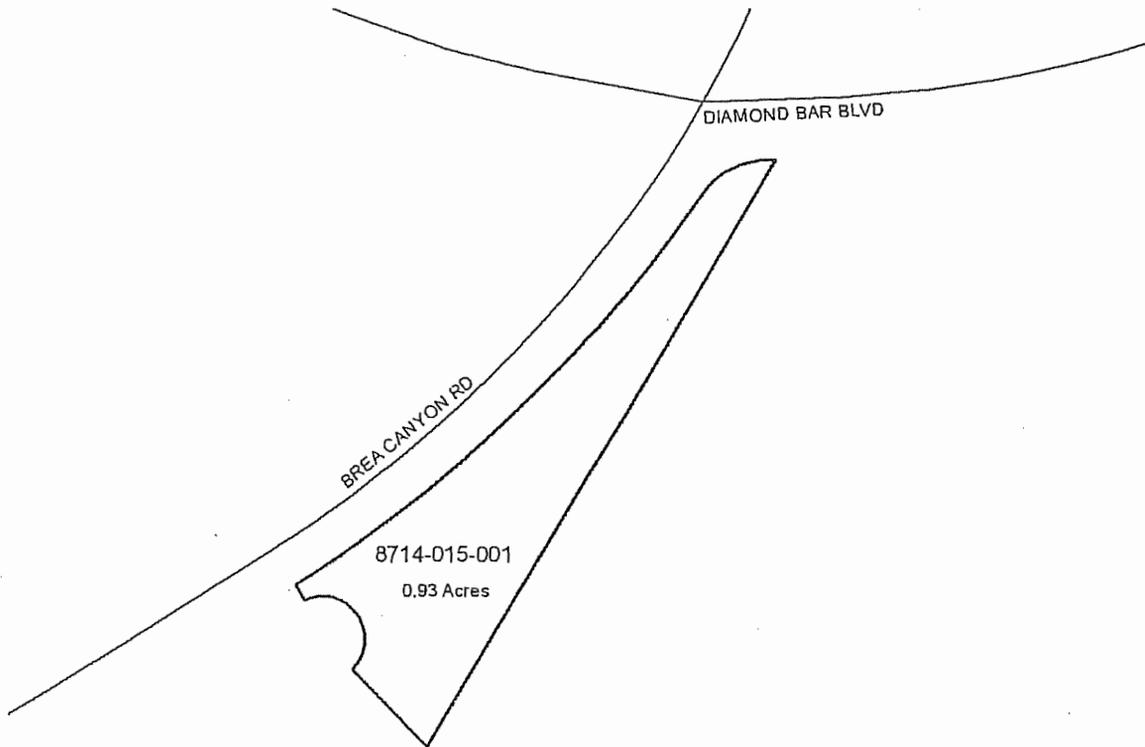


Table ES-3  
**RECOMMENDED CONDITIONS OF PROJECT APPROVAL**

No.	Condition of Approval
	<b>Land Use</b>
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.
	<b>Geotechnical Hazards</b>
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.
	<b>Hydrology and Water Quality</b>
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
	<b>Biological Resources (Continued)</b>
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.
	<b>Transportation and Circulation</b>
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.
7-1	Air Quality 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
	<b>Noise</b>
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.
	<b>Public Services</b>
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	<p>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.</p>
	Aesthetics
12-1	<p>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.</p>

Table ES-2  
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	<p><b>Biological Resources</b></p> <p>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</p>	Community Development Director	Issuance of Grading Permits
	<p><b>Traffic and Circulation</b></p> <p>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.</p>	City Engineer	Final Tract Map Recordation
	<p>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.</p>	City Engineer	Site Plan Approval
	<p><b>Air Quality</b></p> <p>All non-residential paints shall contain no more than 0.22 pound/gallon (100 gram/liter) of volatile organic compound (VOC).</p>	Community Development Director	Building Permit Issuance
	<p>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.</p>	Community Development Director	Building Permit Issuance
	<p>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.</p>	City Engineer	Building Permit Issuance
	<p>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.</p>	City Engineer	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 Descendant 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
	<b>Cultural Resources (Continued)</b>		
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
	<b>Aesthetics</b>		
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

**MINUTES OF THE CITY COUNCIL  
REGULAR MEETING OF THE CITY OF DIAMOND BAR  
JUNE 15, 2010**

**CALL TO ORDER:** Mayor Herrera called the Regular City Council meeting to order at 6:30 p.m. in The Government Center/SCAQMD Auditorium, 21865 Copley Dr., Diamond Bar, CA.

**PLEDGE OF ALLEGIANCE:** Mayor Herrera led the Pledge of Allegiance.

**INVOCATION:** Pastor Mark Hopper, Evangelical Free Church, gave the invocation.

**ROLL CALL:** Council Members Ling-Ling Chang, Ron Everett, Jack Tanaka, Mayor Pro Tem Steve Tye and Mayor Carol Herrera.

**Staff Present:** James DeStefano, City Manager; David Doyle, Asst. City Manager; Michael Jenkins, City Attorney; Ken Desforges, IS Director; David Liu, Public Works Director; Bob Rose, Community Services Director; Linda Magnuson, Finance Director; Ryan McLean, Assistant to the City Manager; Greg Gubman, Community Development Director; Natalie Tobon, Planning Technician; Christian Malpica-Perez, Associate Engineer (Traffic); Kimberly Molina, Associate Engineer; Patrick Gallegos, Management Analyst; Anthony Santos, Management Analyst; Cecilia Arellano, Public Information Coordinator, and Tommye Cribbins, City Clerk.

**Also Present:** Mark Rogers, TRG Land and Peter Lewandowski, Environmental Impact Sciences (consultants for Site D)

**APPROVAL OF AGENDA:** As Presented.

**1. SPECIAL PRESENTATIONS, CERTIFICATES, PROCLAMATIONS**

- 1.1 Steve Remige, President of Association for Los Angeles Deputy Sheriffs, (ALADS), presented a plaque to the City Council as a thank you to the City for its ongoing support for quality public safety services. Lt. Maxey joined the Council for the photo opportunity.

**NEW BUSINESS OF THE MONTH:**

- 1.2 MPT/Tye presented City Tiles to Charlie Cobb, Manager and Bob Chu, owner of Burger King located at 2711 S. Diamond Bar Blvd. and 527 S. Grand Ave., as Business of the Month.

**2. CITY MANAGER REPORTS AND RECOMMENDATIONS:** None Offered.

**3. PUBLIC COMMENTS:**

- Allen Wilson asked the Council to amend its City Charter to forbid City Council Members from participating in CalPers, collecting medical

retirement and other "perks".

Jessee Lantz, Librarian, spoke about the Diamond Bar Library's summer reading programs.

**4. RESPONSE TO PUBLIC COMMENTS:**

CM/DeStefano responding to Mr. Wilson, stated that the incidents that have occurred in other San Gabriel Valley cities involving Council Members is certainly not reflective of the City of D.B. The five members that currently serve and the 14 members prior to these five have served with honor and dignity for the City and its residents extraordinarily well over the past 21 years. The speaker referred to the need to develop an ordinance or to draft a Charter amendment with respect to the potential for City Council Members seeking unemployment benefits after they have concluded their service. D.B. is not a Charter City. D.B. is a General Law City and therefore must follow State Law. There are agencies outside of the City of D.B. that determine whether unemployment benefits are appropriate for former City Council Members. At this point there is no need for any follow up. To reiterate, this type of behavior is not reflective of the history of D.B.

**5. SCHEDULE OF FUTURE EVENTS:**

- 5.1 Planning Commission Meeting – June 22, 2010 – 7:00 p.m., AQMD/Government Center Auditorium, 21865 Copley Dr.
- 5.2 Parks and Recreation Commission Meeting – June 24, 2010 – 7:00 p.m., AQMD/Government Center Hearing Board Room, 21865 Copley Dr.
- 5.3 4<sup>th</sup> of July Blast – July 4, 2010 – 5:00 p.m., Diamond Bar High School, 21400 Pathfinder Rd. Music and Entertainment begin at 5:30 p.m. - Fireworks begin at 9:00 p.m. Free parking and shuttle service is available from the Cal Trans Park and Ride on Pathfinder Rd.
- 5.4 4<sup>th</sup> of July Holiday – Monday, July 5, 2010 – City Offices closed in observance of 4<sup>th</sup> of July. Offices reopen Tuesday, July 6, 2010 at 7:30 a.m.
- 5.5 City Council Meeting – July 6, 2010 – 6:30 p.m., AQMD/Government Center Auditorium, 21865 Copley Dr.
- 5.6 Concerts in the Park – July 7, 2010 – 6:30 to 8:00 pm, "The Answer" (Classic Rock) – Sycamore Canyon Park, 22930 Golden Springs Dr.

5.7 Movies Under the Stars – July 7, 2010 – Planet 51 – Immediately following Concerts in the Park, Sycamore Canyon Park, 22930 Golden Springs Dr.

6. **CONSENT CALENDAR:** C/Tanaka moved, C/Everett seconded, to approve the Consent Calendar as presented. Motion carried by the following Roll Call:

AYES: COUNCIL MEMBERS: Chang, Everett, Tanaka, MPT/Tye  
M/Herrera  
NOES: COUNCIL MEMBERS: None  
ABSENT: COUNCIL MEMBERS: None

6.1 APPROVED CITY COUNCIL MINUTES

6.1.1 Study Session of May 18, 2010 – as submitted.

6.1.2 Regular Meeting of May 18, 2010 – as submitted.

6.2 RECEIVED AND FILED PLANNING COMMISSION MINUTES – Regular Meeting of May 11, 2010.

6.3 RECEIVED AND FILED PARKS AND RECREATION COMMISSION MINUTES – Regular Meeting of April 22, 2010.

6.4 RECEIVED AND FILED TRAFFIC AND TRANSPORTATION COMMISSION MINUTES – Regular Meeting of March 11, 2010.

6.5 RATIFIED CHECK REGISTER – Dated May 14, 2010 through June 8, 2010 totaling \$1,312,182.17.

6.6 APPROVED TREASURER'S STATEMENT – Month of April 2010.

6.7 CITY MANAGER'S DEPARTMENT:

a) ADOPTED RESOLUTION NO. 2010-18: DECLARING THE CITY'S SUPPORT FOR AN ENERGY PARTNERSHIP BETWEEN SOUTHERN CALIFORNIA EDISON AND THE CITY OF D.B.

b) ADOPTED RESOLUTION NO. 2010-19: CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE INCORPORATED AREA OF THE CITY IN THE LOS ANGELES COUNTY ENERGY PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES AND ENERGY AND WATER EFFICIENCY IMPROVEMENTS, APPROVING THE REPORT SETTING FORTH THE PARAMETERS OF THE REFERENCED PROGRAM AND CERTAIN MATTERS IN CONNECTION THEREWITH.

c) APPROVED CONTRACT AMENDMENT WITH FIELDMAN/ROLAPP & ASSOCIATES.

d) APPROVED THE CITY'S PARTICIPATION IN THE 2010 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM.

e) APPROVED COST OF LIVING INCREASE TO THE HOURLY RATES FOR THE CITY ATTORNEY JENKINS & HOGIN.

6.8 COMMUNITY DEVELOPMENT DEPARTMENT'S REQUESTS:

a) APPROVED AMENDMENT NO. 4 TO THE CONSULTING SERVICES AGREEMENT WITH DIANA CHO AND ASSOCIATES FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) LABOR AND CONTRACT COMPLIANCE SERVICES IN THE AMOUNT OF \$3,000 FOR FY 2009-10.

b) APPROVED CONTRACT WITH DIANA CHO AND ASSOCIATES FOR CDBG CONTRACT ADMINISTRATIVE SERVICES FOR A NOT-TO-EXCEED AMOUNT OF \$25,000 FOR FY 2010-11.

c) APPROVED AMENDMENT NO. 1 TO THE CITY'S AGREEMENT FOR LEGAL SERVICES IN CONJUNCTION WITH CODE ENFORCEMENT WITH DAPEER, ROSENBLIT & LITVAK, LLP.

6.9 PUBLIC WORKS DEPARTMENT:

a) APPROVED CONTRACT WITH REPUBLIC ITS FOR TRAFFIC SIGNAL MAINTENANCE SERVICES FOR THREE FISCAL YEARS (FY 2010-2011, FY 2011-2012 AND FY 2012-13).

b) APPROVED PLANS AND SPECIFICATIONS AND AWARDED CONSTRUCTION CONTRACT WITH RJ NOBLE COMPANY FOR RESIDENTIAL AREA 6 (NORTH OF SR 60 FWY AND EAST OF DIAMOND BAR BOULEVARD) RESIDENTIAL ROAD MAINTENANCE PROJECT IN THE AMOUNT OF \$908,712; AND AUTHORIZED A CONTINGENCY AMOUNT OF \$91,000 FOR CONTRACT CHANGE ORDERS TO BE APPROVED BY THE CITY MANAGER, FOR A TOTAL AUTHORIZATION AMOUNT OF \$999,712.

c) APPROVED NOTICE OF COMPLETION FOR PREVENTATIVE STREET MAINTENANCE PROGRAM (ZONE 3 AND ZONE 4 ARTERIAL STREET REHABILITATION PROJECT) FEDERAL

PROJECT NO. ESPL-5455(013).

- d) APPROVED PLANS AND SPECIFICATIONS AND AWARDED CONSTRUCTION CONTRACT FOR PATHFINDER MEDIAN PROJECT BETWEEN THE NORTHBOUND STATE ROUTE 57 ON/OFF RAMPS AND FERN HOLLOW DRIVE IN THE AMOUNT OF \$89,937.50 TO KASA CONSTRUCTION AND AUTHORIZED A CONTINGENCY AMOUNT OF \$18,000 FOR CHANGE ORDERS TO BE APPROVED BY THE CITY MANAGER FOR A TOTAL AUTHORIZATION AMOUNT OF \$107,937.50.
- e) APPROVED PLANS AND SPECIFICATIONS AND AWARDED CONSTRUCTION CONTRACT FOR THE DIAMOND BAR BOULEVARD RAISED MEDIAN MODIFICATION PROJECT (IN FRONT OF THE DIAMOND BAR POST OFFICE) IN THE AMOUNT OF \$54,843.50 TO ELITE COMPANIES US, INC. AND AUTHORIZED A CONTINGENCY AMOUNT OF \$5,500 FOR CONTRACT CHANGE ORDERS TO BE APPROVED BY THE CITY MANAGER, FOR A TOTAL AUTHORIZATION AMOUNT OF \$60,343.50.
- f) APPROVED NOTICE OF COMPLETION FOR TRAFFIC SIGNAL BATTERY BACKUP SYSTEM PROJECT.

6.10 COMMUNITY SERVICES DEPARTMENT'S REQUESTS:

- a) APPROVED INCREASE IN CONTRACT AMOUNT FOR MEGA WAY ENTERPRISES IN THE AMOUNT OF \$3,731 FOR CONSTRUCTION OF SYCAMORE CANYON TRAIL PROJECT – PHASE III.
- b) ADOPTED RESOLUTION NO. 2010-20: APPROVING SUBMITTAL OF A GRANT APPLICATION FOR FUNDING TO CONSTRUCT FREESTANDING OUTDOOR INTERPRETIVE EXHIBITS ALONG SYCAMORE CANYON PARK TRAIL.

6.11 IS DEPARTMENT'S REQUESTS:

- a) AUTHORIZED THE CITY MANAGER TO EXECUTE A FIVE YEAR AGREEMENT WITH COMPUCOM FOR MICROSOFT ENTERPRISE AGREEMENT IN AN AMOUNT NOT-TO-EXCEED \$105,651.65 (\$21,130.33 ANNUALLY).
- b) AUTHORIZED THE CITY MANAGER TO PURCHASE VARIOUS NETWORKING EQUIPMENT AND COMPUTER HARDWARE FROM CDWG, IN FY 2010-11 FOR AN AMOUNT NOT-TO-EXCEED \$181,000.

6.12 FINANCE DEPARTMENT'S REQUESTS:

- a) ADOPTED RESOLUTION NO. 2010-21: SETTING PROPOSITION 4 (GANN) APPROPRIATIONS LIMIT FOR FY 2010-11 IN ACCORDANCE WITH THE PROVISIONS OF DIVISION 9 OF TITLE 1 OF THE GOVERNMENT CODE.
- b) ADOPTED RESOLUTION NO. 2010-22: ADOPTING THE STATEMENT OF INVESTMENT POLICY FOR FISCAL YEAR 2010-11.

7. PUBLIC HEARINGS:

7.1 PUBLIC HEARINGS FOR LIGHTING AND LANDSCAPE DISTRICT NO'S 38, 39 AND 41:

- a) ADOPT RESOLUTION NO. 2010-23: LEVYING AN ASSESSMENT ON THE CITY OF DIAMOND BAR'S LANDSCAPING ASSESSMENT DISTRICT NO. 38 FOR FY 2010-11.
- b) ADOPT RESOLUTION NO. 2010-24: LEVYING AN ASSESSMENT ON THE CITY OF DIAMOND BAR'S LANDSCAPING ASSESSMENT DISTRICT NO. 39 FOR THE FY 2010-11.
- c) ADOPT RESOLUTION NO. 2010-25: LEVYING AN ASSESSMENT ON THE CITY OF DIAMOND BAR'S LANDSCAPING ASSESSMENT DISTRICT NO. 41 FOR THE FY 2010-11.

PWD/Liu reported that the City has an annual maintenance program for landscaping and open space improvements for District's 38, 39 and 41.

District 38 has a proposed levy rate of \$15 per parcel which will generate about \$268,000 in assessment for FY 2010-11. This assessment rate of \$15 per parcel has remained the same since the date of incorporation in 1989. As a result of the rising operational and maintenance costs of the district the City has been using its General Fund to maintain service levels. For FY 2010-11 \$14,867 from the General Fund is proposed to be used to pay for the operation and maintenance costs in District 38. Not reflected in the District 38 budget is \$36,100 from the General Fund for personnel service costs. The total annual budget for District 38 is \$282,617. Landscaping improvements maintained by District 38 include an estimated 17,850 parcels and parkways and medians

throughout the City for a total area of approximately 10.34 acres. Staff recommends that the assessment district amount of \$15 for each assessable lot within District 38 be confirmed and that the resolution levying an assessment for FY 2010-11 be adopted.

District 39 has a proposed levy rate of \$130 per parcel which will generate approximately \$164,190 in assessments. Similar to District 38, costs have outpaced the revenues and the current assessment rate is inadequate to maintain and improve District 39 without utilizing the General Fund. For FY 2010-11, \$57,042 General Fund monies are proposed to pay for the operation and maintenance costs and \$36,100 General Fund monies for personnel services costs. The District budget totals \$221,232. Landscaping improvements maintained by District 39 include the mini parks, slopes and open space area within the district consisting of a total maintenance area of almost 61 acres. The estimated number of parcels within the District is 1,263. Staff is recommending that District 39 assessment value of \$130 per parcel be confirmed and that the resolution levying an assessment for FY 2010-11 be adopted by the City Council.

District 41 has a proposed levy rate of \$220.50 which will generate approximately \$122,157 in assessments. This assessment is inadequate to maintain and improve District 41 without utilizing the General Fund. For FY 2010-11, \$20,000 of Prop A State Park funds are proposed to pay for the operation and maintenance costs and \$36,100 of General Fund for personnel services costs. The District budget totals \$183,368. Landscaping improvements to be maintained by District 41 include slopes and open space consisting of a total maintenance area of almost 16 acres. The estimated number of parcels within the District is 554. Staff recommends that the assessment amount of \$220.50 for each assessable lot within District 41 to be confirmed and that the resolution levying an assessment for FY 2010-11 be adopted.

M/Herrera opened the Public Hearing at 7:11 p.m.

With no one present who wished to speak on this item, M/Herrera closed the Public Hearing at 7:12 p.m.

MPT/Tye thanked PWD/Liu for his comprehensive report. He reiterated that the assessment rates remain the same as the rate applied at the date of D.B.'s incorporation 21 years ago.

C/Everett asked why the report refers to "estimated" parcel numbers rather than exact numbers.

PWD/Liu stated that staff confirmed the number of parcels within each assessment district with the help of the City's Assessment Engineer and the numbers presented to Council are close to the latest available information. "Estimates" are used to convey staff's report is as close to reality as possible based on information available at the time of the survey.

C/Everett moved, C/Tanaka seconded, to adopt Resolution 2010-23, 2010-24 and 2010-25 as presented by staff. Motion carried by the following Roll Call vote:

AYES:	COUNCIL MEMBERS:	Chang, Everett, Tanaka, MPT/Tye, M/Herrera
NOES:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

7.2 A PUBLIC HEARING TO CONSIDER VARIOUS ACTIONS PERTAINING TO SITE D (A SITE COMPRISED OF APPROXIMATELY 30.36 ACRES LOCATED AT THE SOUTHEAST CORNER OF BREA CANYON ROAD AND DIAMOND BAR BOULEVARD, DIAMOND BAR, CA (ASSESSORS PARCEL NUMBERS 8714-002-900, 8714-002-901, 8714-002-902, 8714-002-903 AND 8714-015-001) INCLUDING GENERAL PLAN AMENDMENT NO. 2007-03, ZONE CHANGE NO. 2007-04, SPECIFIC PLAN NO. 2007-01 ("SITE D SPECIFIC PLAN"), TENTATIVE TRACT MAP NO. 70687, AND CONSIDERATION OF CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT 2007-02 (SCH NO. 2008021014).

a) RESOLUTION NO. 2010-XX: CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (SCH NO. 2008021014) AND APPROVING THE MITIGATION REPORTING AND MONITORING PROGRAM AND ADOPTING 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).

b) RESOLUTION NO. 2010-XX: APPROVING GENERAL PLAN AMENDMENT NO. 2007-03 AND ZONE CHANGE NO. 2007-04 FOR PROPERTY COMPRISED OF APPROXIMATELY 30.36 ACRES LOCATED AT THE SOUTHEAST CORNER OF BREA

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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).

- c) RESOLUTION NO. 2010-XX: APPROVING TENTATIVE TRACT MAP NO. 70687 FOR SUBDIVISION OF 30.36 ACRE SITE FOR RESIDENTIAL AND COMMERCIAL PURPOSES WITH 202-UNIT RESIDENTIAL UNITS AND 153,985 GROSS SQUARE FEET 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).
- d) ORDINANCE NO. 0X (2010): APPROVING ZONE CHANGE NO. 2007-04 CHANGING THE EXISTING ZONING TO SPECIFIC PLAN FOR PROPERTY COMPRISED OF APPROXIMATELY 30.36 ACRES LOCATED AT THE SOUTHEAST CORNER OF BREA CANYON ROAD AND DIAMOND BAR BOULEVARD, DIAMOND BAR, CALIFORNIA (ASSESSORS PARCEL NUMBER 8714-002-900, 8714-002-901, 8714-002-902, 8714-002-903 AND 8714-015-001).
- e) ORDINANCE NO. 0X (2010): APPROVING SITE D SPECIFIC PLAN, SPECIFIC PLAN NO. 2007-01, FOR PROPERTY COMPRISED OF APPROXIMATELY 30.36 ACRES LOCATED AT THE SOUTHEAST CORNER OF BREA CANYON ROAD AND DIAMOND BAR BOULEVARD, DIAMOND BAR, CALIFORNIA (ASSESSORS PARCEL NUMBER 8714-002-900, 8714-002-901, 8714-002-902, 8714-002-903 AND 8714-015-001).

CDD/Gubman stated that the plan presented to the Council for consideration this evening is the result of a cooperative effort between the City of Diamond Bar and the Walnut Valley Unified School District. This effort began in June 2007 with the City Council's approval of a MOU (Memorandum of Understanding) between the School District and the City where it was agreed that the two agencies would embark on a planning process to establish a comprehensive and forceful planning strategy for Site D and to do so prior to putting the property on the market for sale. To further this goal, it was agreed that a specific plan would be the most appropriate planning tool to better ensure a predictable outcome for the eventual buildout of the site. The City and School District agreed to engage the services of Planning Firm TRG Land to prepare the Specific Plan which includes both the physical plan for the site and the regulations that would govern its buildout. TRG

specializes in hillside design so the company was well qualified to formulate a buildable and aesthetically appropriate design solution for Site D's complex topography. Staff selected Peter Lewandowski, principal of the firm Environmental Sciences to prepare the Site D Specific Plan Environmental Impact Report (EIR). Mr. Lewandowski has worked with the City to provide other EIR's and provided other environmental consulting services over the years and is an excellent analyst who consistently delivers detailed, exhaustive, transparent and defensible environmental documents for D.B.

CDD/Gubman then presented an overview of the decision making process which included an explanation of what is a Specific Plan, the purposes of an Environmental Impact Report and conclude the discussion with a project overview and explanation for the decisions the Council will be making at the end of the hearing process. A Specific Plan is a detailed blueprint to guide future development over a specific geographic area. A Specific Plan is a much more robust prescription for development than conventional zoning designations. It is not a project development plan that one would see for a shopping center or residential subdivision; however, it does specify the criteria to which such future developments must adhere. The Site D Specific Plan includes a land use diagram that is very much like a zoning map in that it shows the boundaries for development designated for residential and commercial uses but goes beyond that. This Specific Plan contains development regulations and architectural design guidelines, provides graphic and written specifications for onsite improvements and describes the public improvements that will be required as part of the plan's implementation. An adopted Specific Plan will enable the City to exert much more control over the outcome of subsequent development after the property is sold than what would be possible if the property is sold "as is".

CDD/Gubman explained the purpose of an Environmental Impact Report using a slide presentation. The Environmental Impact Report (EIR) process is prescribed under the California Environmental Quality Act (SEQA) and because of the potential environmental impacts that this project poses, an EIR is required. The framework for an EIR as called out in SEQA provides basic mandates the City must follow through the environmental process. One important function of the SEQA process is to inform governmental decision makers and the public about the potential environmental effects on proposed activities. Also, SEQA is intended to identify the ways that environmental damage can be avoided or significantly reduced. SEQA was also created to prevent significant avoidable damage to the environment by

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requiring changes in projects through the use of alternatives or mitigation measures when the government agency finds the changes to be feasible. The purpose of SEQA is to disclose to the public the reasons why a government agency approved the project in a manner the agency chose if significant environmental impacts are involved. The bottom line of SEQA and those basic purposes is to provide an objective process to disclose and to minimize environmental damage.

CDD/Gubman stated that the purpose of the EIR is to inform other governmental agencies as well as the public of the environmental impact of the proposed project. There are two major milestones in the EIR process. One is the drafting of the Environmental Impact Report (EIR) which is collectively referred to as the Draft EIR; and, two the process of bringing the Draft EIR to the public and respond to any comments and make any changes if defects in the document are identified such as an eventual decision on a land use matter that the EIR was prepared to analyze. For Site D the Draft EIR process began in earnest with the publication of a Notice of Preparation. There was a 30 day notice period February 1 through March 5, 2008 wherein the City informed public agencies through the State's Clearinghouse, direct outreach to public agencies and notification to property owners within a 1000 ft. radius of Site D that an EIR was going to be prepared with the objective of having early identification to the City of what types of environmental issues are of concern that should be looked at. During the Notice of Preparation period the City also conducted a public scoping meeting on February 21, 2008, which provided a public forum to hear in a collective, efficient setting what the concerns were pertaining to environmental issues. Following the NOP process, the City drafted the Draft EIR which was completed in late Spring of 2009 after several screen check drafts were vetted through staff. When the document was ready for public review the City issued a Notice of Completion which started a 45-day public review period for public agencies and residents to review the Draft EIR and provide comments on Environmental issues that were believed to be inadequately addressed or if questions were raised as to how the EIR analyzed certain issue areas. At the conclusion of the public review period staff collected all of the written and oral comments and began the process of a final EIR.

CDD/Gubman further stated that the final EIR in terms of the document is comprised of several volumes including the Draft EIR, technical appendices which are the scientific and technical/engineering reports that provide the data, and the specialized scientific analysis of the environmental impacts that are then collected and summarized in the Environmental Impact

Report. The final EIR also includes all of the comments received during the public review period and all responses to those comments. Ultimately, the role of the EIR in the decision making process is for the public agency to review the disclosures contained in that document and not to decide to approve or carry out a project for which an EIR was prepared unless either the project, as approved, doesn't have a significant effect on the environment; or, that the agency has eliminated or substantially lessened all of the significant affects on the environment, where feasible, and determined that any remaining significant affects on the environment are found to be unavoidable are acceptable due to overriding considerations. He reiterated that every comment that raises environmental issues must receive a written response. The EIR process generates many comments that go beyond the scope of environmental issues and as the scope of the environmental review process is as defined, responses are made to those environmental issues. With respect to Site D's Specific Plan there is the Statement of Overriding Considerations. SEQA provides that the decision making agency would need to balance, as applicable, the economic, legal, social, technological or other benefits of the proposed project against its unavoidable environmental impacts when determining whether to approve the project. If specific economic, legal, social, technological or other benefits of the proposed project outweigh the unavoidable environmental impacts, then the adverse environmental impacts may be considered acceptable.

CDD/Gubman presented an overview of the site and its proposed land uses including commercial and residential components recommended by TRG Consulting and stated that the proposed project would include a measurable contribution fair-share fee to improve the functionality of two intersections.

CDD/Gubman stated that the Specific Plan, related applications and EIR were presented to the Planning Commission on February 13, 2010. The Commission conducted a Public Hearing that evening and continued discussion over the next two meetings. On May 11, 2010 the Planning Commission recommended that the City Council certify the EIR, adopt the Statement of Overriding Considerations, approve the General Plan Amendment, Zone Change, and Tentative Tract Map with the additional recommendation that a 1.3 acre park be included on the commercial site. staff believes that the proposed Specific Plan represents the direction initiated through the 2007 MOU process and provides the City with an appropriate long-term plan for Site D that achieves a number of objectives that are of benefit to the community including providing

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housing at an appropriate density for the site to add to the City's housing stock to help meet the City's obligation to contribute to the region's housing needs; to provide commercial amenities in this part of the City and at an intersection that is ideally suited for that purpose; the Specific Plan ensures the City's influence on the site's future build out; and, the land sale of the site and its proceeds will help further the WVUSD's educational mission.

CDD/Gubman introduced Mark Rogers, TRG Land; Peter Lewandowski, Environmental Impact Sciences; Steve Sasaki, staff's contract traffic engineering consultant; Dr. Cynthia Simms, Superintendent, WVUSD; Carolyn Elfelt, WVUSD Trustee.

CM/DeStefano stated that the residential and commercial pads are related to Tentative Tract Map 70687, a copy of which has been provided to the City Council and reviewed by the Planning Commission. This Parcel Map is proposed to generally commence the process of reconfiguring these acres in order to accommodate the proposed land uses. The Map talks about redistributing the acreage into three parcels – one for commercial and two for residential. The Map also identifies seven lettered lots, five of which are set aside for Open Space and two for roadways within the 30 plus acre site. The staff report incorporates 16 additional major exhibits including the aforementioned items as well as, all of the letters that have been received, communications prior to the Planning Commission's Public Hearing, Planning Commission staff reports, actions that occurred at the Planning Commission meetings, minutes of the Planning Commission meetings and all communication received since the Planning Commission's conclusions including one communication received today. Staff has provided the City Council with all documentation that would allow the Council to make its decision this evening, should it choose to do so. Staff is recommending that the City Council Open the Public Hearing, receive public testimony, bring the matter back to the City Council for discussion, direct City staff as necessary and continue the matter to a date in July specified by the City Council. This project has been documented on the City's website for many months and staff has provided a City Council agenda that includes all of the supplemental material so that the public has an opportunity to view all materials received by the City Council.

M/Herrera opened the Public Hearing at 8:07 p.m. and invited Mark Rogers, TRG Land, and Dr. Cyndy Simms, WVUSD to speak on the matter.

Dr. Simms stated that the School District has suffered major budget reductions due to the State's economy and the legislature's

decision to make cuts to public schools. As a result, the School District and School Board have had to act very responsibly to balance the District's budget. WVUSD believes that the sale of Site D would provide an opportunity to assist the School District with its operations if the sale takes place within a two-year window. The WVUSD respectfully asks that the City Council approve the recommendations of staff contained in staff's report on Page 2.

Margot Eiser, Montebello, spoke in opposition to the project and in favor of leaving the property as open space.

Ernie Salas, Andy Salas and Matt Teutimez, Covina, representing the Gabrieleno Band of Mission Indians, San Gabriel, California, said they were never given notice of this project and that their Indian tribe were the inhabitants of this area and oppose the project proposed on historical grounds.

Matt Teutimez, biologist for the tribe, said that the natives look at this site as containing components that were utilized by their ancestors.

John Martin, 1249 S. Diamond Bar Blvd., asked that the following issue be entered into the Public Hearing record: The SEQA requirement that viable alternatives be presented in any EIR was circumvented by the City's agreement with WVUSD via the MOU. He hoped the Council would give up the \$300,000 reimbursement and vote against the proposal.

Carolyn Elfelt, Board of Trustees, WVUSD, apologized to the City of D.B. and the community for being so slow to explain why the District needs to sell the property at Diamond Bar Blvd. and Brea Canyon Rd. She is sorry that the rumors about the property are running rampant and causing concern among the citizens. Regardless of the rumors, the harsh reality is there is a fiscal crisis in California. Sacramento has failed to adequately fund schools to continue the programs it demands the Districts to provide. California schools are desperately trying to survive the worst years of funding shortages since the great depression of the 1930's which lasted a decade. Today's budget challenges are not going away anytime soon. In Walnut Valley we are in a perfect storm of declining enrollment, economic cycles and legislative actions that add to educational requirements but fail to provide funding to support and sustain those requirements. There is no good news out of Sacramento for school districts. Walnut Valley, like every other school district in California, is facing staggering budget deficits. Sacramento has failed to adequately fund its schools. So, Walnut Valley has to find its own funding sources to prepare its

students to survive in the highly competitive global economy of the 21<sup>st</sup> century. Walnut Valley must maximize every asset it has to save the programs students need. Funding sources of any kind are desperately needed to fill and backfill budget holes. Selling surplus property such as Site D and using the funds to backfill budget holes is a viable option. The plan before the Council tonight is a result of over 20 years of effort to create a project which will benefit the citizens of D.B. and their children's education. The process for the approval is open and public. On behalf of the Board of Trustees of Walnut Valley, thank you City Council and City staff for enabling Walnut Valley to use its surplus property for the benefit of its students.

David R. Busse, 21455 Ambushers St., took exception to the claim of an open process and cooperative effort. The people own this land and do not want this project. He presented the City Clerk with a petition opposing the Site D Specific Plan.

Mary McCormick, 21455 Ambushers St., said she believes the proposal violates SEQA guidelines because there was no proper public participation during the Planning Commission hearings. Several residents attended the Planning Commission meetings prior to their decision to approve their recommendation to the City Council. The residents who were in that meeting were told they could not speak, that in fact, they were only allowed to speak at a public hearing. So at the Planning Commission meeting residents attempted to talk about alternatives.

Chris Chung, 21470 Cold Spring Ln., asked if his letter was part of the record. He believed there had not been full disclosure of facts in this matter and mistakes of fact. Due to the lack of disclosure about the total number of units that could be built (253 units) the traffic was not analyzed properly. He pointed out other deficiencies in the General Plan as it related to the proposal. He felt if the Council approved the matter it could easily be challenged.

Hilda He, 2911 Rising Star Dr., asked if the cash from the sale of the land would be used to employ more teachers, add more programs for students, etc. She preferred that the City retain the site as open space and for recreation. She asked why the City wanted to build when there were so many apartment vacancies. She was also concerned about the pollution from the additional traffic.

Mary Rodriguez, 3419 Pasado Dr., said she was not in favor of developing Site D and did not trust the EIR. D.B. needs more park space and the time to save Site D, a historical and cultural site, is

now.

Nancy Daugherty, 3010 La Paz Ln., said she wholeheartedly supported her neighbor's comments in opposition to this project. She would support a nature walk or nature park. She supports the School Board and would like to see an alternative plan for the property. School districts need revenue but the City needs to preserve its open space and wildlife habitats.

Judy Leung, 21178 Running Branch, said she believed that most residents support public education but she is very concerned about what Jack LeBrun, Budget Manager of WVUSD said in April that this money cannot be used to pay for teacher salaries and school programs. Dr. Simms stated that there is a two year window for use of these funds and would like an explanation. She asked why the public is here to discuss only this plan and no other alternatives. She walked about 12 hours during the past couple of weeks and 90% of her neighbors object to this plan. She took exception to the 1000 ft. radius requirement and asked why bids were not offered to other firms for preparation of the EIR.

Robert Poyner, 8115 Preston Rd., Dallas, TX, Country Hills Holding, said he understood the School District and City's financial motive. Country Hills Holding Company does not believe the commercial aspect of this plan is viable in a tough competitive market. His firm believes this plan offers a short-term financial gain and a long-term negative impact to both D.B. and its residents.

Gregory Shockley, 3711 Crooked Creek, spoke in opposition to the proposed Site D Specific Plan and said he found many errors in the EIR.

M/Herrera asked if staff had responses to speaker's comments.

CM/DeStefano stated that it is staff's recommendation to bring the matter back to the dais for discussion and that Council may want to direct staff to continue the matter to July 20. On July 20 staff can respond with answers to all of the questions and issues raised during tonight's public hearing testimony. Further, staff would recommend that the City Council continue the Public Hearing to July 20 and at that time Council can decide whether to close the Public Hearing and take action or continue the matter.

M/Herrera asked for Council input.

MPT/Tye asked staff to address the following issues: Was the Gabrieleno Indian tribes notified; clarification regarding the MOU

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relative to "reimbursement"; possible violation of SEQA; and staff's opinion regarding the issue of "a taking".

C/Tanaka asked staff if the Specific Plan, as presented is approved at a future date would that limit the potential developer to what could eventually be developed on the site. He also asked TRG if any alternatives were presented for Site D Specific Plan.

C/Everett asked for clarification of use of funds by the School District because he has heard two conflicting reports regarding what the proceeds from the sale of property can be used for. He did not recall seeing oak trees being killed that may be on the property or Walnut Woodlands. He knows there are lots of Eucalyptus but if there are any other protected tree inventories he would like to have that brought back. He indeed appreciates the comments he heard tonight as well as previous comments he has heard and read. He moved here 32 years ago for the school district and schools for his kids and he feels D.B. is fortunate to have a school district that is ongoing and operating effectively since 1970. He appreciates the school leadership and has an interest in parks, trails and the environment and sustainable alternatives and thinks those needs to be a key part of any project. He further believes it would be great to protect that acreage but residents have to be realistic. It is a challenge for D.B. and he wants to balance it. He is here to listen and has heard good ideas that were not previously received because of a technicality and would like it clarified. He would like the alternatives he heard referenced but has not seen them. There is a claim that there have been no alternatives and asked for clarification. He also asked what was considered in the EIR as alternatives and would like to see that clarified as well. He said he was disappointed about the notices about Site D. He understands the frustration that people did not get the mandated notice; however, in the most recent *Windmill* May/June there is an article right in the middle about the "Walnut Valley property Site D for sale. This publication goes to every home in our City and has been on the web page. He has spoken to residents throughout the City about Site D and interestingly enough, he finds most of them know about Site D and have minimal concerns. Realistically we want to protect "Country Living" but we've got to be realistic and a property owner has rights. What he wants for Site D is for the neighbors to have something that they can appreciate and respect and something that all of D.B. can view. He was delighted to see the latest charts presented by Mr. Gubman that show the land use plan. There is a red asterisk on the corner of Brea Canyon Cutoff and Diamond Bar Blvd. that is listed as "Commercial Gateway". To him that red star is the gateway to D.B. and he wants it to be attractive and effective. He thinks the City can do it but needs

ideas and support rather than everyone saying "don't do anything". All who have listened to this proposal have lots of ideas. Council doesn't have a corner on the market. He wants to hear some ideas about how this parcel can be made into an attractive place because opportunity is knocking on Site D. He wants to balance this for the best benefit of D.B. and the residents and not just the School District and not just for the resident who live there. He certainly does not want the project to create a path for traffic to shortcut through the City's side and back streets He thanked staff for its report and thanked M/Herrera for a chance to offer comments and questions.

M/Herrera said she attended all of the Planning Commission meetings and the conversation was about a park opposite Cherryvale Dr. She would like staff to explore what a 2 acre park might look like if it were more along the edges of the homes where there could be more green space, buffer, and separation between homes on Ambushers at the very lower end of the commercial pad. At the Planning Commission meeting it was talked about at the corner/intersection of Brea Canyon Rd. and Diamond Bar Blvd. similar to a courtyard with trees and benches and shops on either side that could serve as a gathering place for people to sit and visit. It might somewhat reduce the commercial usage on that acreage. She would like staff to look at that possibility. She asked for her colleague's input.

MPT/Tye said he heard a lot tonight about "alternatives" but he did not hear any specific alternatives offered. He has had conversations with folks at the south end of town and adjacent to the property and email conversations. He believes staff is correct that the City cannot tell a property owner they cannot do anything with their property. One of the notes he made to himself that he repeats publicly every time this type of project is considered is "undeveloped private property is not open space" and it is not on any plan one can find designated as open space. But what are the alternatives. When he was elected in 2005 one of the first things he attended was the grand opening of the Sprint store at Golden Springs and Diamond Bar Blvd. which he believes did not last a year. The key is that even though it is not up to him, he believes it makes more sense to have more residential. If the School District could develop this property this conversation would not be happening. If Lewis Homes and JCC Partnership had developed it, this conversation would not be happening. Personally, he did not see commercial working and he could not envision what 150,000 sq. ft. of retail would look like there. When he served on the Planning Commission Mr. DeStefano would often tell the Commission that "this is a palate and you get to create it" this is a

blank palate and let us create what we want it to look like. So what does that alternative mean compared to what the Council is looking at today? He is not a proponent of commercial on that property. He would rather see 100% residential and would like to know what that would mean. Whether that would be an answer for tonight or a future meeting relative to the process. He would like it made very clear for the public and those who have taken time to be here this evening that they understand that the Council is not driven by an MOU. Council is driven by what is best for D.B. – all of D.B. The property owner is a property owner in D.B. Those that spoke on behalf of the WVUSD are not only representing the School District, they are residents of D.B. Four of the five trustees are residents of D.B. It is not like they can say they only want what is best for the School District. If you have kids in school you want what is best for the School District. He did not hear anyone saying let's not do this so we can see how we can hurt the school district. No one has that in mind. So, what will work? What is the best for that area? What is the best for the School District? And, what is best for the City of D.B. and all of the citizens of D.B. He appreciated everyone's efforts to talk with residents and gather signatures but how many signatures came from people living close to the bowling alley or over by the golf course? When he talks to people around town there is interest in what might happen there but there is no fervor. He understands the fervor if someone lives there and it is their neighborhood. So, how do we craft the best product possible for that location?

C/Chang said she studied this packet at length and has taken every comment under consideration. She grew up in D.B. and lives in the area. The area is very near and dear to her heart but everyone needs to step back and look at this plan in its entirety as objectively as possible. Bottom line is that D.B. needs a project that will benefit the most people and the key phrase is "public benefit". There is a school district that is in desperate need of funds and there is the City that needs sales tax revenue to support City needs such as maintenance and operation of existing parks. Within 14.9 sq. miles D.B. has nine parks and has a wildlife corridor with a trail running through it. D.B. has many amenities for its residents. As she sees the situation, these are the options. She hears a lot of folks asking that the property remain in its current condition which is not realistic since the School District owns the property and needs to sell the property. The question is what is best for the School District whether or not that is for the benefit of the residents because if the City has a strong school district it raises the City's property values and affects the quality of life. Secondly, if this property were developed into a park, unless one were to find a developer that would develop it as a park, it is not feasible, and not realistic for the

City to purchase this property and be able to generate sufficient funding to operate and maintain this property as a park. Third, one hundred percent residential would not benefit the City as a whole. Granted, the City would receive a one-time fee for homes sold but it would not make up for the additional daily traffic and the City would lose potential sales tax revenue without commercial/retail which is much needed for the maintenance and upkeep of the City. Additionally, the true value of public benefit would exist only for those homeowners at the new housing development. The Site D Plan as presented is a win-win for the School District, the City and its residents. D.B. gets new residents and a beautiful new shopping center. The beauty of this Specific Plan is that the City gets more control over what the development will look like rather than have it look similar to Kmart. What she envisions is a center that will have an interactive public plaza at its heart very much like the Grove where one can interact with their neighbors. D.B. has 60,000 residents and it is desperately lacking in the selection of goods and services. D.B. needs better shopping options in D.B. and she is making it her priority to attract potential opportunities to open here in D.B. If D.B. is truly unable to attract commercial real estate the area could be rezoned for residential. So what is there to lose by proceeding with the proposed Specific Plan? Economic Development has been a priority goal for D.B. for many years and now the City Council is presented with an opportunity to move a few steps forward toward that goal and this is an opportunity to start with a clean palate. Let us be forward thinking and not pass up this opportunity to reap the most benefit for all concerned out of all of the options. She has studied this at length and her option is to go with the option that benefits the most residents of D.B.

MPT/Tye said he was pleased that C/Chang had a goal of attracting good retailers because this Council has tried for 21 years to do just that. She brought up the matter of sales tax revenue which he overlooked and what he would like to know what would work in 150,000 sq. ft. and how much sales tax revenue a grocery store or drug store would produce. The largest producers of sales tax revenue in the City are gas stations. So what would go there? Costco, Lowes, Home Depot or some other retailer and how would someone find a retailer at that location? Many commercial and retail entities have not made it in D.B. and he thinks the last thing D.B. needs is another strip mall or neighborhood center.

C/Chang said she was not interested in another strip mall. She thought there were other retail options such as Whole Foods (55,000 sq. ft.) or Trader Joes. What does D.B. have to lose at this moment because she optimistically believes that the City can potentially attract a very nice shopping center. What does the City

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have to lose because the property could still be rezoned residential so where is the harm in attempting to move this plan forward. If it doesn't work out, rezone the property for residential.

M/Herrera asked CM/DeStefano to respond to C/Chang.

CM/DeStefano spoke about marketing the property for both residential and commercial purposes as proposed. If the marketing of the commercial is unsuccessful the project could then move to an all-residential mode. Since that might not be what the City Council approved, moving it to an all residential mode would require changes to the existing approved documents which would require a process similar to that which is occurring, i.e., possible amendments to the environmental documents depending on what the residential project is, sending the project through the process to the Planning Commission and then to the City Council. The short answer is that it is possible but there would be various steps along the way that would need to be undertaken and fully exhausted before the City would get to that point.

C/Everett said he would not like to get stuck on the traditional comparisons of commercial versus residential but rather get creative. He asked anyone interested to come up with creative ideas and share them with the Council. He suggested a 21<sup>st</sup> Century model based on the technology research for parks that many corporations and many cities have developed for decades which he believed would be very functional and stimulating. He suggested a possible headquarters for WVUSD which could include a child development center, professional and educational offices and meeting places that would all fit in a park setting with open and play space. The public could use the facility on weekends. In his vision it could be the best representation of a school district anywhere. It would be visible to the City which is a family city, fundamentally built on education so there could be some synergy there. Something of that nature with the aesthetics and appeal for an entry such as water fountains, water works with water flowing to create sound, visual and emotional aesthetics would be phenomenal. If staff could come back with something along those lines certainly that would be more of a decision that would involve the WVUSD and he would ask them to be innovative and join in because that could free up some land that may be much more attractive economically.

C/Tanaka felt the most important thing the Council needed to do was to listen to the residents. As long as the public hearing process is still open Council should continue to listen and consider the alternatives. He reiterated that he had not heard or seen