

**CITY COUNCIL
RESOLUTION NO. 2012-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 FOR THE SITE D SPECIFIC PLAN, AFFECTING AN AREA 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 land use planning of the site consisting of approximately 30.36 acres, and comprised of multiple parcels, located at the southeast corner of Brea Canyon Road and Diamond Bar Boulevard, Diamond Bar, County of Los Angeles, California, collectively identified as Site D, so that both parties may each advance their respective objectives for the disposition and/or use of their respective real property interests.
2. As a result of that collaboration, on February 1, 2008, the City's Community Development Department (Department) executed and disseminated a Notice of Preparation (NOP) and Initial Study presenting a preliminary assessment of the potential impacts of the project, identified therein as the Diamond Bar Boulevard and Brea Canyon Road (Site D) Specific Plan and the Site D Property Specific Plan (Specific Plan No. 2007-01). On February 5, 2008, the Governor's Office of Planning and Research, in that agency's role as State Clearinghouse, acknowledged receipt of the NOP and Initial Study and commenced a 30-day comment period for the submittal of comments by State responsible agencies. That comment period started on February 5, 2008 and ended on March 5, 2008.
3. On June 22, 2009, the Department noticed, released, and disseminated copies of the Draft Environmental Impact Report – Site D Specific Plan, State Clearinghouse No. 2008021014 (Draft EIR), Notice of Completion (NOC), and Notice of Availability (NOA), examining a proposed specific plan, subsequent identified as the March 2010 Site D Specific Plan, authorizing the development of 202 dwelling units and 153,985 square

feet of commercial use on the subject property and examining five alternatives thereto. As indicated in the Draft EIR, implementation of the March 2010 Site D Specific Plan would result in a number of significant unmitigable environmental effects.

4. On March 20, 2010, the Lead Agency released and disseminated the Response to Comments on the Draft Environmental Impact Report – Site D Specific Plan, State Clearinghouse No. 2008021014 (RTC1) addressing written comments received from governmental entities and private parties on the proposed project.
2. 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.
3. On April 27 and May 11, 2010, the Planning Commission of the City of Diamond Bar continued and concluded their 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.
4. On June 15, 2010, the City Council of the City of Diamond Bar conducted a duly noticed public hearing, solicited testimony from all interested individuals, and continued the matter to July 20, October 19, November 16, December 7 and on December 21, 2010 closed the public hearing.
8. In response to public comments, on December 2, 2010, the President of the District's Board of Directors transmitted correspondence to the City stating, in part, that "the Board of Trustees of the Walnut Valley Unified School District recommends (1) that Site D be developed 100% residential with minimal peripheral open space, green belt and park areas with a monument to mark the entrance into Diamond Bar, and (2) that the residential density be reduced to less than 20 units per acre."
9. On December 7, 2010, in response to public comments, correspondence from the President of the Walnut Valley Unified School District's Board of Trustees dated December 2, 2010, and the City Council's independent deliberations, the Council directed the Department to formulate a new alternative (identified as Alternative 6) to the March 2010 Site D Specific Plan eliminating the commercial component, decreasing the number of residential dwellings from 202 to 200 units, and incorporating a public park consisting of at least two usable acres. In response, the Department prepared a separate specific plan alternative identified as the January 2012 Site D Specific Plan.

10. The January 2012 Site D Specific Plan was examined to a comparable level of detail as that presented for the March 2010 Site D Specific Plan in a separate CEQA document, identified as Response to Comments No. 2 - Draft Environmental Impact Report for the Site D Specific Plan, State Clearinghouse No. 2008021014 (RTC2), released and disseminated by the Department on or about January 30, 2012. As indicated in RTC2, as mitigated, implementation of the January 2012 Site D Specific Plan would result in the avoidance or substantial reduction of those significant unmitigable environmental impacts attributable to the March 2010 Site D Specific Plan.
11. CEQA contains a "substantive mandate" requiring public agencies to refrain from approving projects with significant environmental effects if there are feasible alternatives or mitigation measures" that can substantially lessen or avoid those effects. CEQA guidelines define the term "feasible" as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. In accordance therewith, the City Council has determined that, since the January 2012 Site D Specific Plan would result in the avoidance or substantial reduction of those significant environmental impacts attributable to the March 2010 Site D Specific Plan, is environmentally superior thereto, and is feasible, the City Council has identified Alternative 6 as the preferred project.
5. On February 21, 2012, the City Council of the City of Diamond Bar opened the public hearing, continued and concluded their deliberations.
6. With regard to the January 2012 Site D Specific Plan, 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 200 residential dwelling units and minimum two useable acres of neighborhood public park area;
 - (d) Development Agreement No. 2012-01 to approve an agreement between the City and the Walnut Valley Unified School District setting forth the obligations and benefits to the City and the Walnut Valley

Unified School District; and

- (e) Environmental Impact Report 2007-02 to certify the Final Environmental Impact Report, inclusive of the Draft EIR, RTC1, and RTC2 (Final EIR), which provides a detailed analysis of potential environmental impacts associated with the development of the Specific Plan area. The Final EIR includes mitigation measures alternatives, and identifies the environmentally superior alternative;
7. Notification of the public hearing for the Project was published in the San Gabriel Valley Tribune and the Inland Valley Daily Bulletin newspapers on February 10, 2012. 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.

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. Based on the findings and conclusions set forth herein, the City Council hereby finds that the January 2012 Site D Specific Plan constitutes the environmentally superior feasible alternative and selects that alternative in accordance with the provisions of CEQA and its guidelines.
4. Based on the findings and conclusions set forth herein, the City Council hereby finds and determines that standard conditions, performance standards, and mitigation measures have been incorporated into the Project, which avoid or substantially lessen significant adverse environmental impacts identified in Final EIR.
5. The City Council hereby certifies the Final EIR to be complete and adequate; and adopts the Findings of Facts 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 21st DAY OF FEBRUARY 2012, BY THE CITY COUNCIL OF THE CITY OF DIAMOND BAR.

By: _____
Ling-Ling Chang, 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 21st day of February, 2012, 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 FINAL ENVIRONMENTAL IMPACT REPORT 2007-02 "SITE D" SPECIFIC PLAN - SPECIFIC PLAN NO. 2007-01 STATE CLEARINGHOUSE NO. 2008021014

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

1.0 PROJECT DESCRIPTION

1.1 Project Location

The approximately 30.36-acre project site is located within the corporate boundaries of the City of Diamond Bar, 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, generally near 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 residential neighborhoods. Engineered slope areas, including v-ditch drainage features, separate the project site from existing single-family detached 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 Site

1.2.1 Project Site Description

The City of Diamond Bar (City or Lead Agency) and the Walnut Valley Unified School District (WVUSD or District) own separate properties within the corporate boundaries of the City, separated by an open flood control channel (Brea Canyon Storm Drain Channel) operated by the Los Angeles County Flood Control District (LADFCD), 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 be "surplus property." As authorized under Section 17455 of the California Education Code (CEC): "The governing board of any school district may sell any real property belonging to the school district or may lease for a term not exceeding 99 years, any real property, together with any personal property located thereon, belonging to the school district which is not or will not be needed by the district for school classroom buildings at the time of delivery of title or possession." As required under Section 17462(a) of the CEC: "The funds derived from the sale of surplus property shall be used for capital outlay or for costs of maintenance of school district property that the governing board of the school district determines will not recur within a five-year period."

The City's approximately 0.98-acre property (City Property) was acquired so that the City would have access to real property that could be used to address future traffic impacts and existing traffic issues. On January 17, 2006, the Diamond Bar City Council (Council) adopted Resolution No. 2006-02 (A Resolution of the City Council of the City of Diamond Bar, California

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Approving the Purchase of Property Located at 3100 South Diamond Bar Blvd. and Authorizing the City Manager to Execute all Required Documents). As indicated in the accompanying agenda report: “The property, located at the corner of Diamond Bar Blvd. and Brea Canyon Road, is vacant property adjacent to the large vacant parcel known as Site D. . .The future development of this site will create traffic circulation impacts on Diamond Bar Blvd. and Brea Canyon Road. By acquiring this site, the City will have access to property to address future traffic impacts as well as the existing traffic issues in this area. This property can be used for dedicated turn lanes or other traffic engineering solutions” (City of Diamond Bar, Council Agenda No. 6.8, January 17, 2006).

The Brea Canyon Storm Drain Channel, which runs generally parallel to Brea Canyon Road, separates the District Property from the City Property. In the vicinity of the project site, 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 public or private purposes.

Based on acreage, the District owns approximately 94 percent of the subject property, thus making the WVUSD the principal and primary property owner. With regards to the intended use of the “Site D” property, the District’s desire, therefore, plays a significant role in the Lead Agency’s deliberations as well as its environmental compliance and entitlement processes. Similarly, project proponents can change their minds from time-to-time and independently decide to pursue different development strategies or cease the processing of a pending development application.

Since the California Environmental Quality Act (CEQA), as codified in Section 21000 et seq. of the Public Resources Code (PRC), and the Guidelines for the Implementation of the California Environmental Quality Act (State CEQA Guidelines or Guidelines), codified in Sections 15000 et seq. in Title 14 of the California Code of Regulations (CCR), constitutes a reactive process, it must find a way to adapt to the changing desires of project proponents, the project-changing nature of information which is identified and formulated during project-based analyses, and the evolutionary nature of virtually every development project. Under CEQA, each non-substantive change to a project being processed by a local agency does not, in and of itself, necessitate a recommencement of that process.

1.2.2 Assessor’s Parcel Number

Section 327 of the Revenue and Tax Code provides for the existence and organization of assessor’s maps. As specified, in part, therein: “Where any county or county officer possess a complete, accurate map of any land in the county, or whenever such a complete, accurate map has been made in compliance with Sections 27556 to 27560, inclusive, of the California Government Code (CGC), the assessor may number or letter the parcels in a manner approved by the board of supervisors.”

In accordance therewith, the District Property is comprised of the following two Los Angeles County Assessor (County Assessor) Parcel Numbers (APNs): 871-4002-900 and 871-4002-901. The City Property has been assigned APN 871-4015-001 by the County Assessor. The Brea Canyon Storm Drain Channel is comprised of APNs 871-4002-902 and 871-4002-903.

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1.3 Memorandum of Understanding

On July 1, 2007 the City and the WVUSD executed a “Memorandum of Understanding” (MOU), which was subsequently amended, whereby the City and the District 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 their respective real property holdings. Under the terms of the MOU, as authorized under the provisions of Sections 65450-65457 of the CGC, the City agreed to prepare and process a “specific plan” for the combined properties for the purpose of establishing design/development parameters for the subsequent use of those properties. Section 22.60 (Specific Plans) in Title 22 (Development Code) of the “City of Diamond Bar Municipal Code” (Municipal Code) authorizes the City to approve and contains general information concerning City requirements for specific plans.

As envisioned by the parties at that time, the specific plan was to include a mix of residential and commercial uses based upon a mutually agreed upon site plan. Of the usable acreage, a minimum of 50 percent will be designated for residential development and 50 percent will be designated for commercial use, exclusive of necessary infrastructure. The MOU authorized the City to engage a consultant and set forth reimbursement obligations for the specific plan’s preparation and processing. The MOU identified a performance schedule for the specific plan’s approval. As stated therein: “Nothing herein, however, constitutes a commitment or guaranty that the City will adopt the specific plan, the Commission and Council retain the discretion to take any such action each deems appropriate with respect to the specific plan.”

The MOU was subsequently amended on November 4, 2008 (First Amendment) to reflect increased costs for consultant’s services. In addition, the revised MOU also set forth different parameters with regards to the use of the subject property. The MOU was further revised on September 16, 2010 (Second Amendment) to reflect a further increase in the cost of consultant’s services, to establish a reimbursement schedule, and extend the term of the MOU.

In correspondence from Nancy Lyons, President, VWUSD Board of Trustees (Board) to the Council, dated December 2, 2010, based on actions by the Board on December 1, 2010, the District stated that “the Board of Trustees of the Walnut Valley Unified School District recommends (1) that Site D be developed 100% residential with minimal peripheral open space, green belt and park areas with a monument to mark the entrance into Diamond Bar, and (2) that the residential density be reduced to less than 20 units per acre. This decrease in density will better blend with the existing residences in the vicinity of Site D and will better meet the current market conditions for the building community. The all residential land use will provide the District with much needed financial resources to help meet the District’s capital facility and technology needs.” In taking its action, following the Lead Agency’s release of the “Draft Environmental Impact Report – ‘Site D’ Specific Plan, SCH No. 2008021014” (DEIR) but before the Lead Agency’s certification of the “Final Environmental Impact Report – ‘Site D’ Specific Plan, SCH No. 2008021014” (FEIR), the Board amended its application for discretionary entitlements from the Lead Agency. As such, as the entitlement entity and not as either the principal landowner or the site’s ultimate developer, the Lead Agency is generally obligated to “follow suit” (follow in the same pattern) and analyze the applied-for entitlements.

In response, on January 19, 2011, the parties executed a further amendment to the MOU (Third Amendment). At that time and in accordance therewith, the specific plan’s conceptual land-use plan was modified to consist of not more than 200 residential dwellings and dedicated parkland. The parkland shall consist of at least 2.0 net areas of useable area, dedicated to the City and constructed to City standards. The Third Amendment also revised the reimbursement schedule

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concerning the percentage of proceeds due each party upon sale of the subject property. On July 19, 2011, the parties again amended the MOU (Fourth Amendment) to extend the performance schedule for the City's consideration of the specific plan until June 30, 2012.

Although the MOU called for the development of a specific plan, the document acknowledged that neither the District nor the City would be the ultimate developer(s) of those lands located within the specific plan's boundaries. For example, the amended MOU noted that the subsequent purchaser, not the District, would be responsible for designing and constructing the parkland improvements.

1.4 Environmental Notices

On February 1, 2008, the City's Community Development Department (Department) executed and disseminated a "Notice of Preparation" (NOP) and an "Initial Study" (Initial Study) presenting a preliminary assessment of the potential impacts of the project, identified therein as the "Diamond Bar Boulevard and Brea Canyon Road (Site D) Specific Plan" and the "Site D Property Specific Plan (Specific Plan No. 2007-01)" (February 2008 SDSP). As described in the Initial Study: "Proposed is the adoption of a General Plan Amendment from 'Public Facility (PF)' and 'General Commercial (C)' to 'Specific Plan,' with a corresponding Zone Change from 'Low Medium Residential (R-1 7,500),' 'Low Density Residential (R-1 10,000),' and 'Community Commercial (C-2)' to 'Specific Plan (SP)' for an approximately 30-acre site located in the City of Diamond Bar. Also proposed is the approval of a tentative subdivision map establishing separate residential and commercial parcels, an internal circulation system, and common open space areas. As proposed, the 'Site D Property Specific Plan' would allow the construction, habitation, and occupancy of 202 dwelling units and 153,985 gross leaseable square feet of commercial use."

The Initial Study concluded that the February 2008 SDSP could potentially result in the generation of significant environmental effects relative to the following topical issues: (1) aesthetics; (2) air quality; (3) biological resources; (4) geology and soil; (5) hazards and hazardous materials; (6) hydrology and water quality; (7) land use; (8) noise; (9) public services; (10) transportation and traffic; and (11) utilities and service systems. The Initial Study presented the Lead Agency's rationale for excluding from further analysis those issues that either did not manifest at a level of significance or which were adequately addressed in a previously certified EIR.

The NOP announced the Department's scheduling of a pre-circulation scoping meeting for the purpose of soliciting public and agency comments regarding the potential environmental effects of the February 2008 SDSP. That scoping meeting was conducted on February 21, 2008 at the South Coast Air Quality Management District/Government Center, Room CC-6 (21865 Copley Drive, Diamond Bar).

On February 5, 2008, the Governor's Office of Planning and Research (OPR), in that agency's role as State Clearinghouse (SCH), acknowledged receipt of the NOP and Initial Study and commenced a 30-day comment period for the submittal of comments by State responsible agencies. That comment period started on February 5, 2008 and ended on March 5, 2008.

For the purpose of assessing, the direct, indirect, and cumulative environmental impacts of the project, on June 22, 2009, the Department noticed, released, and disseminated copies of the "Draft Environmental Impact Report – 'Site D' Specific Plan, State Clearinghouse No. 2008021014" (DEIR), "Notice of Completion" (NOC), "Notice of Availability" (NOA), and revised

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“Site D’ Specific Plan” (June 2009 SDSP). Both the DEIR and NOC were submitted to the SCH on June 25, 2009, commencing a 45-day comment period on the DEIR. The State agency comment period, as established by the SCH, concluded on August 10, 2009. On June 22, 2009, the NOC was concurrently filed with and posted in the Office of the County Clerk (County Clerk). In addition, the NOA was published in the Inland Valley Daily Bulletin and San Gabriel Valley Tribune on June 25, 2009.

In addition to the June 2009 SDSP (which previously was the February 2008 SDSP and which subsequently became the March 2010 SDSP), the DEIR examined a reasonable range of alternatives. The following conservation-based and development-oriented alternatives were examined therein: (1) Alternative 1 (No Project); (2) Alternative 2 (Public Facilities); (3) Alternative 3 (Community Commercial); (4) Alternative 4 (Low-Density Residential); and (5) Alternative 5 (High-Density Residential).

On August 3, 2009, the Lead Agency conducted a noticed neighborhood forum at the Heritage Park Community Center (2900 S. Brea Canyon Road, Diamond Bar) to solicit comments concerning both the June 2009 SDSP, the five alternatives identified by the Lead Agency, and the information and analysis presented in the DEIR, including the mitigation measures (MM) and those standard conditions and performance standards (Conditions/Standards) listed therein.

On March 19, 2010, pursuant to Section 21092.5(a) of CEQA, the Lead Agency provided written draft responses to each of the governmental entities that submitted written comments on the DEIR, including the California Department of Transportation (Caltrans), the County Sanitation Districts of Los Angeles County (CSDLAC), the County of Los Angeles Fire Department (LACFD), and the County of Los Angeles Public Library (County Library).

On March 20, 2010, the Lead Agency released and disseminated the “Response to Comments on the Draft Environmental Impact Report – ‘Site D’ Specific Plan, State Clearinghouse No. 2008021014” (RTC or RTC1) addressing written comments received from governmental entities and private parties on the project and DEIR and presenting a revised “‘Site D’ Specific Plan” (March 2010 SDSP). Constituting the evolutionary progression of the same specific plan project, the February 2008 SDSP, the June 2009 SDSP, and the March 2010 SDSP each assumed the development of 202 dwelling units and 153,985 gross leaseable square feet of commercial use on “Site D.” As indicated therein, the intended commercial use would include service-oriented and neighborhood-serving commercial development. With regards to the housing component, although a “for sale” product was specified, the March 2010 SDSP (and its earlier incarnations) did not preclude the development of any of a variety of housing product types, including single-family attached and detached, multi-family attached, condominium, and townhome. While each presented an increasing level of detail and completeness, from a CEQA-based perspective, no substantive differences existed with regards to those three planning documents. As such, each of the three versions of the proposed specific plan are identified as the “March 2010 SDSP” herein and, for the purpose of CEQA compliance, are assumed to constitute the same project, identified herein as the “proposed project.”

With regards to the March 2010 SDSP and its accompanying CEQA documentation, City of Diamond Bar Planning Commission hearings were held on April 13, April 27, and May 11, 2010. City of Diamond Bar City Council public hearings were conducted on June 15, July 20, October 19, November 16, December 7, and December 21, 2010.

In addition, on October 16, 2010, the District conducted a community outreach workshop at Castle Rock Elementary School (2975 Castle Rock Road, Diamond Bar). The workshop included a site

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tour of the specific plan area. Based, in whole or in part, on information obtained at that workshop, at a noticed public hearing on December 1, 2010, the District Board of Trustees approved recommendations for the land-use development of the District Property. On December 2, 2010, the President of the District's Board of Directors transmitted correspondence to the Lead Agency stating, in part, that "the Board of Trustees of the Walnut Valley Unified School District recommends (1) that Site D be developed 100% residential with minimal peripheral open space, green belt and park areas with a monument to mark the entrance into Diamond Bar, and (2) that the residential density be reduced to less than 20 units per acre."

On December 7, 2010, in response to public comments concerning the March 2010 SDSP, correspondence from the President of the District's Board of Trustees dated December 2, 2010, and the Council's independent deliberations, the Council directed the Department to formulate another alternative to the March 2010 SDSP eliminating the commercial component, decreasing the number of residential dwellings from 202 to 200 units, and incorporating both a public park consisting of at least two net usable acres and a greenbelt area separating the development from abutting residential properties. In response to the Council's directive, the Department prepared an alternative specific plan document, identified as "Alternative 6" or the "January 2012 'Site D' Specific Plan" (January 2012 SDSP). The January 2012 SDSP was subsequently introduced and examined to a comparable level of detail as that presented for the March 2010 SDSP in a separate CEQA document, identified as "Response to Comments No. 2 - Draft Environmental Impact Report for the 'Site D' Specific Plan, State Clearinghouse No. 2008021014" (RTC2), released and disseminated by the Department on or about January 30, 2012.

As stipulated under CEQA and the State CEQA Guidelines, upon certification of the FEIR, if so certified, the Department will prepare and file a "Notice of Determination" (NOD) with the County Clerk within five working days of the Lead Agency's action. Because the specific plan's implementation will require discretionary approval from one or more State agency, the NOD will also be filed with the SCH.

1.5 Project Objectives

It is the objective of the City to promote and facilitate the attainment of those goals, objectives, plans, and policies as contained in the "City of Diamond Bar General Plan" (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).

As authorized under Section 65450 et seq. in Article 8 in Chapter 3, Division 1 of the CGC, a specific plan is a regulatory tool that local governments can use to guide development in a localized area. A specific plan serves as a tool for the systematic implementation of the general plan and can effectively establish a linkage between the implementing policies of the local general plan and individual development proposals in a defined area. In accordance therewith, the City has elected to prepare and process a specific plan for the purpose of defining the types of permitted and conditionally permitted uses that the City believes to be appropriate for the project site and the project setting, to define reasonable limits to the intensity/density of those uses, and to establish the design/development standards for those uses.

On March 18, 2008, as noted in the approved Minutes of the City Council Regular Meeting of the City of Diamond Bar, Item 4 (Response to Public Comments), the City Manager noted that the "City has no interest in development of the property other than to have it be an effective,

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appropriate and suitable land plan for the City.” With regards to the March 2010 SDSP, as indicated in the DEIR, the following broad project objective was derived from Section 22.60.020 (Applicability) and Section 22.60.060 (Adoption of Specific Plan) in Chapter 22.60 (Specific Plans) in Title 22 (Development Code) of the “City of Diamond Bar Municipal Code” (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 (Objective 1).

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. As indicated in the DEIR, the following objectives were derived from that document and assigned by the Lead Agency to the WVUSD, in the District’s role as project proponent: (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 (Objective 2); 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 (Objective 3). In addition, based on the MOU, the Lead Agency identified the following additional project-related objectives: (1) With regards to the project site, pursue the establishment of site-specific land-use policies that allows the development of the property, accommodating the provision of additional housing opportunities and the introduction of revenue-generating uses (Objective 4); 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/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 (Objective 5).

In response to the Lead Agency’s receipt of the District’s December 2, 2010 correspondence and based on both the Council’s December 7, 2010 directive and the execution of the Third Amendment to the MOU, as discussed in RTC2, the Lead Agency modified two of the project’s stated objectives to reflect that change. As indicated, in lieu of Objectives 2 and 3, the following revised objectives were formulated by the Lead Agency: (A) District desires the disposition of the School Property to yield a reasonable return to the District for the benefit of its constituents and its educational mission (Objective 2R); and (B) 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 ensure an appropriate use of the City Property and reasonable return to the City (Objective 3R).

As noted, based on both the WVUSD’s request that the District Property be developed for “100% residential with minimal peripheral open space, green belt and park area” and the absence of a highest-and-best-use real property analysis, when comparing Objective 2 (from the DEIR) and Objective 2R (from RTC2), the Lead Agency substituted “reasonable return” for “maximum return.” When comparing Objectives 3 and 3R, based on the elimination of an on-site sale-tax generator, the Lead Agency substituted “and to ensure an appropriate use of the City Property and a reasonable return” for “desirable level of sales tax revenues.”

1.6 Project Description

With regards to the District Property, the City Property, and the County Property, the “Site D’ Specific Plan” (SDSP) encompasses approximately 30.36-acres and contains a number of

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related elements, including both specific discretionary actions which are presently before the City and later discretionary actions which can be reasonably anticipated as a result of those actions which are 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 and occupancy of the subject property for the uses, density, and development standards specified therein. From a project-related perspective, it is assumed that the project site would be developed to accommodate those permitted and conditionally permitted land uses authorized under the approved specific plan and developed to the maximum intensity allowable thereunder.

Based on the site's existing General Plan and zoning designations, the specific plan's implementation would necessitate 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 Medium Residential (R-1 7,500)," "Low Density Residential (R-1 10,000)," and "Neighborhood Commercial (C-1)" to "Specific Plan (SP)." Also proposed is the approval of Specific Plan No. 2007-01 and such other entitlements as may be required for the specific plan's effectuation. Prior to taking those actions, the Lead Agency must first certify the adequacy of the FEIR, adopt applicable CEQA findings, adopt feasible measures to mitigate the significant adverse impacts of the project, and adopt a statement of overriding considerations should it be determine that the project the Lead Agency elects to approve will result in significant environmental effects that are identified in the FEIR but which are not avoided or substantially lessened through the adoption of feasible mitigation measures or project alternatives.

Following the adoption of the specific plan, the City and the 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, cooperate in the sale of the District Property and the City Property to one or more developers, master builders, or other parties, and take such other related actions as may be required for the disposition of those properties and the effectuation of the specific plan.

As indicated in the project's CEQA documentation, with regards to the "Site D" Specific Plan" (SDSP), a number of conservation-based and development-oriented options are presently before the Lead Agency's decision-making body. Those options are summarized below.

1.6.1 March 2010 "Site D" Specific Plan (Proposed Project)

As envisioned by the parties at the time of execution of the original MOU on July 1, 2007, the proposed SDSP was to include a mix of residential and commercial uses based upon a mutually agreed upon site plan. Of the usable acreage, a minimum of 50 percent will be designated for residential development and 50 percent will be designated for commercial use, exclusive of necessary infrastructure. The March 2010 SDSP was, therefore, based on those parameters.

On December 1, 2010, the District's Board of Trustees voted to request that the Lead Agency alter the original development concept for the "Site D" property to delete the previously proposed commercial use. The actions of the District's Board of Trustees are outlined in correspondence from the President of the Board to the Council, dated December 2, 2010. As indicated therein, the District now requests that "Site D be developed 100% residential." Two related actions then followed. On December 7, 2010, as referenced in the minutes of that meeting, the Council voted, in part, "to eliminate the commercial component for Site D and move to a density of 200 unit project of single family homes." On January 19, 2011, the parties

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amended the MOU (Third Amendment) and the development concept for the “Site D” property, stating, in part, that “[t]he specific plan will entitle a project to consist of not more than 200 residential dwelling units and dedicated parkland.”

CEQA may, therefore, differ from other aspects of the entitlement process in that the March 2010 SDSP remains the “proposed project” under CEQA but another development-oriented option may have gained momentum because it meets the project proponent’s objectives and effectively mitigates the significant environmental effects associated with that project. Although an alternative specific plan was subsequently prepared by the Department, until such time as an alternative plan is adopted, if so adopted, the March 2010 SDSP remains under consideration by the Lead Agency’s decision-making body and, as reflected in the project’s CEQA documentation, constitutes the “proposed project” therein. As used herein, the term “proposed project” is not intended to reflect the project described in the District December 2, 2010 correspondence, the project described in the Council’s December 7, 2010 directive, nor the project described in the January 19, 2011 amendment to the MOU. Rather, the term is used herein to denote that project and those contemplated discretionary actions described in the Initial Study, NOP, DEIR, NOC, NOA, and RTC1, namely the March 2010 SDSP.

Under the provisions of the March 2010 SDSP, a maximum of 202 dwelling units and 153,985 square feet of commercial use could be developed on the project site. Development of the project site would involve approximately 390,000 cubic yards of earth movement to create the project’s major building pads and circulation system. Primary access to both the proposed project’s residential and commercial components would be obtained from Diamond Bar Boulevard, via a new signalized intersection located at Cherrydale Drive. Secondary access to the commercial area would be provided along Brea Canyon Road, via a right-in and right-out only point of ingress and egress. Additional emergency-only access to the project site would be provided from Pasado Drive.

The County’s existing Brea Canyon Storm Drain Channel would be covered and become an underground drainage facility as it traverses the project site. To convey the 50-year discharge, the proposed channel section would become a 9-foot tall by 8-foot wide, double cell, reinforced concrete box (RCB) with an average cover of 20 feet. Fifty feet of transition box would be constructed from the proposed RCB section to the existing culvert section under Diamond Bar Boulevard. A transition structure downstream of the proposed RCB would be constructed to join the existing trapezoidal channel.

Potable and reclaimed water will provided by the Walnut Valley Water District (WVWD). Wastewater collection and treatment will be provided by the City and by the County Sanitation Districts of Los Angeles County (CSDLAC). With regards to sanitary sewers, sewer flows originating from the project site would discharge to existing City-operated sewer lines in Diamond Bar Boulevard. The City operates an 8-inch diameter vitrified clay pipe (VCP) sewer line that runs in a southerly direction along Cherrydale Drive to Sewer Pump Station No. 1 (Fountain Springs). The pump station is under the jurisdiction of the CSDLAC. The City also operates an existing 14-inch diameter cast iron pipe (CIP) force main that discharges flows from the same pump station. The project would connect to the existing 8-inch diameter VCP line. Based on the topography, an additional sewer lift station may be required. With regards to potable water, the WVWD operates two potable water lines in Diamond Bar Boulevard, including a 12-inch diameter AC line on the south side of the road (Pressure Zone 1050) and a 10-inch diameter asbestos-cement (AC) line on the north side of the road (Pressure Zone 875). The project could connect to either line.

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As outlined in the March 2010 SDSP and the various technical studies accompanying that document, a number of preliminary engineering plans have been prepared by the Lead Agency. Those conceptual plans include land-use, grading, drainage, and circulation (including proposed street sections). The conceptual grading plan illustrated the creation of three “super pads,” containing approximately 4.02, 6.05, and 10.09 net acres. Two pads (totaling 10.07 net acres) were allocated for residential use and one pad (totally 10.09 net acres) was allocated for commercial use. Assuming 202 dwelling units, the resulting residential density authorized under the March 2010 SDSP was about 20 units/net acre.

Under this development scenario, a tentative subdivision map (Tentative Map No. 70687) is being concurrently processed. Tentative Map No. 70687 delineated separate development areas within the subject property for conveyance to subsequent holders of real property interests, as well as establishing an internal circulation system and common open space areas. Tentative subdivision maps are governed by the provisions of the Subdivision Map Act, as codified in Section 66410-66499.58 of the CGC, and Chapter 21.20 (Tentative Map Filing and Processing), Chapter 21.22 (Parcel Maps and Final Maps), and Chapter 21.30 (Subdivision Design and Improvement Requirements) in Title 21 (Subdivisions) of the Municipal Code.

1.6.2 January 2012 “Site D” Specific Plan (Alternative 6)

The January 2012 SDSP constitutes the alternative to the March 2010 SDSP resulting from the District’s December 2, 2010 correspondence to the Council, the Council’s December 7, 2010 directive, and the January 19, 2011 amendment to the MOU (Third Amendment). An environmental analysis of the January 2012 SDSP, including those revisions to the DEIR resulting therefrom, is presented in RTC2. Reference to the DEIR herein is intended to be inclusive of RTC1.

Under the provisions of the January 2012 SDSP, a maximum of 200 dwelling units and a new neighborhood park consisting of not less than 2.0 net acres of useable area could be developed on the project site. No on-site retail commercial, general commercial, or office professional uses would be authorized on the project site. As indicated in the January 2012 SDSP, unless otherwise specified, permitted and conditionally permitted uses shall include those allowed under Section 22.08.030 (RLM Zone) of the Development Code. Through its inclusion and comparable analysis in the RTC2, the January 2012 SDSP (Alternative 6) constitutes one of a number of CEQA-authorized alternative development-oriented or conservation-based options for the “Site D” property.

Assuming a gross area of 30.36 gross acres (rounded to 30.4 gross acres), the resulting residential density allowable under the January 2012 SDSP is approximately 6.6 dwelling units per gross acre. If the same approximately 20.16 net acre (rounded to 20.2 net acres) development footprint associated with the March 2010 SDSP is assumed, residential densities increase to approximately 9.9 dwelling units per net acre.

The January 2012 SDSP specifies that residential units within project area will consist of “attached and/or detached, owner-occupied single-family product types.” At the density and unit total allowable under the specific plan, it is unlikely that lots conforming to RLM zoning district standards (i.e., 8,000 square foot minimum lot size). In order to accommodate 8,000 square foot minimum lots, residential densities cannot exceed about 5.4 units per acre, thus necessitating a reduction in the number of dwelling units to be constructed on the project site. For the purpose of CEQA compliance, the 200 dwelling unit assumption has been maintained.

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Recent development activity in the City suggests that the historic distinction between “single-family” and “multi-family” housing products is less clearly differentiated. Medium to high density, small lot residential subdivisions involving detached “single-family” housing types have been processed as “condominium” projects. As a result, because it likely reflects the nature of the resulting development, without precluding the development of other product types, the CEQA analysis is based on the assumption that the resulting housing product is more characteristic of “townhouse and condominium” development.

As defined in the Federal Housing Administration’s (FHA) “Condominium Project Approval and Processing Guide” (FHA, June 30, 2011), “site condominiums” are “single family totally detached dwellings (no shared garages or any other attached buildings) encumbered by a declaration of condominium covenants or condominium form of ownership.”

Primary vehicular access to the project site will align with either Crooked Creek Drive or Cherrydale Drive via a proposed signalized intersection at Diamond Bar Boulevard. Traffic traveling westbound on Diamond Bar Boulevard will access the primary street via a new single-lane left-turn pocket to be constructed within the median along Diamond Bar Boulevard. “Emergency vehicle access” and pedestrian access to and from the project site will be provided via Pasado Drive.

A new neighborhood park, consisting of not less than 2.0 usable acres, would be constructed within the specific plan boundaries. Park improvements, including the creation of a connection to the trail system along Brea Canyon Road, shall be the responsibility of the site’s subsequent developer. Although a minimum 2.0-acre park dedication is assumed herein, nothing in the January 2012 SDSP or in the accompanying CEQA documentation would preclude the dedication of more real property. Vehicular access to the neighborhood park will be provided via a signalized entry at the intersection of Cherrydale Drive/Diamond Bar Boulevard or at the intersection of Crooked Creek Drive/Diamond Bar Boulevard. Additional pedestrian access to the proposed neighborhood park will be provided from Posado Drive. The public park shall include opportunities for pedestrian and bike trails with linkages to the sidewalks on Brea Canyon Road and Diamond Bar Boulevard.

A landscaped “entry feature” will be established near the corner of Diamond Bar Boulevard and Brea Canyon Road, predominately in the vicinity of the City Property. The entry feature is intended to establish a visual “landmark” or “gateway” along one of the City’s prominent arterial highways. As specified in the January 2012 SDSP, at minimum, the entry feature shall have a value not less than one-half (0.005) percent of the building permit valuation of the proposed residential development. The Lead Agency further seeks to promote the integration of this design feature into the project’s overall visual character, allowing for a unifying design theme which serves to visually and/or physically link the entry feature with the proposed neighborhood park and the site’s residential development.

Although no conceptual grading plan has been formulated at this time, for the purpose of impact assessment, it is assumed that the entire project site will be grubbed (denuded of existing vegetation), graded, and recontoured to accommodate the residential development, park facilities, and circulation system authorized under the January 2012 SDSP. In the absence of a conceptual grading plan, with regards to Alternative 6 (January 2012 SDSP), the Lead Agency has assumed that the physical area of site disturbance, the location of cut-and-fill slopes, the location and size of retaining walls, and grading quantities generally remain as described in the DEIR for the March 2010 SDSP. However, under the proposed project (March 2010 SDSP), the southwesterly portion of the project site was extensively graded in order to lower the elevation of

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the commercial pad and enhance the visibility of the previously proposed commercial use from abutting streets. Although the January 2012 SDSP continues to illustrate a number of “super pads” upon which development would occur, the need for or perceived benefit in enhanced street-scale visibility no longer exists. As a result, actual grading quantities should be less than assumed as part of the CEQA analysis.

Although no conceptual drainage plan has been formulated for the January 2012 SDSP at this time, for the purpose of impact assessment, it is assumed that the drainage plan will be similar to that associated with the March 2010 SDSP and that, absent the previously proposed commercial component and the impervious surfaces associated with on-site parking, post-project drainage flows will be at levels less than those assumed in the DEIR.

The conceptual water and sewer systems identified and the improvements described in the DEIR for the March 2011 SDSP are assumed to remain applicable to the January 2012 SDSP. Because a lesser intensity of development is proposed under this alternative than associated with the March 2011 SDSP, some of the improvements identified therein may not be required to adequately service the subject property or, if required, could be of lesser size or configuration.

With regards to site development, the January 2012 SDSP emphasizes the use of “project sustainability” and “green building design elements.” Numerous energy conservation features are outlined in the specific plan which, if adopted, constitute design/development obligations imposed on the subsequent site developer.

Under this alternative, no tentative subdivision map is being concurrently processed; however, the subsequent processing of that tentative map is an anticipated consequence of the specific plan’s approval.

1.6.3 Other Alternatives

In addition to the proposed project (March 2010 SDSP) and the January 2012 SDSP (Alternative 6), as required under Section 15126.6(a) of the State CEQA Guidelines, the FEIR examined a range of reasonable alternatives. As stipulated therein: “An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation.”

In addition to the “no project” alternative (Alternative 1), as mandated under Section 15126(e) of the State CEQA Guidelines, the following development-oriented alternatives were also examined therein: (1) a “public facilities” alternative (Alternative 2); (3) a “community commercial” alternative (Alternative 3); (4) a “low-density residential” alternative (Alternative 4); and (5) a “high-density residential” alternative (Alternative 5). Although other alternatives are broadly addressed in the DEIR, only the March 2010 SDSP and the January 2012 SDSP are examined to a comparable level of analytical detail in the FEIR.

To the extent that a specific alternative would reduce or eliminate one or more of the significant environmental effects of the proposed project (March 2010 SDSP), as authorized under and subject to the stipulations of CEQA and the State CEQA Guidelines, the Lead Agency has the authority to select a feasible alternative in lieu of the proposed project (March 2010 SDSP). As used throughout these findings, the term “project” could be equally applied to the March 2010 SDSP, to the January 2012 SDSP, or to any other development-oriented alternative subsequently selected by the Lead Agency’s decision-making body for implementation.

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1.7 Project Applicant

The State CEQA Guidelines defines “Applicant” to mean “a person who proposes to carry out a project which needs a lease, permit, license, certificate, or other entitlement for use or financial assistance from one or more public agencies when that person applies for the governmental approval or assistance” (14 CCR 15350). Although the District and the City are both working cooperative to prepare and process the SDSP, including its associated entitlements, it is not envisioned that either public agency would proceed with the development of the “Site D” property. The term “Applicant,” as used herein and throughout the project’s environmental review record, is intended to apply to not only the District and the City, as the proponents of the proposed specific plan, but also to that (those) subsequent holder(s) of real property interests that will serve as the developer(s) and/or master builder(s) for those uses authorized therein and who may seek discretionary actions from the Lead Agency and from other responsible agencies for those development activities, infrastructure improvements, and other actions and programs that may be authorized under the provisions of the adopted specific plan, if so adopted.

The City is serving in the dual role of both “Applicant” and CEQA “Lead Agency.” This dual role is typical of most public projects and is authorized under CEQA, the State CEQA Guidelines, and established agency practices. Based on the legal and ethical standards to which governmental agencies are held, no inherent conflict is established when a public agency serves in that dual role.

2.0 IDENTIFIED HOUSING NEEDS IN THE CITY OF DIAMOND BAR

As required under Section 65580 of the CGC: “The Legislature finds and declares as follows: (a) The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every California family is a priority of the highest order. (b) The early attainment of this goal requires the cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of Californians of all economic levels. (c) The provision of housing affordable to low- and moderate-income households requires the cooperation of all levels of government. (d) Local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provisions for the housing needs of all economic segments of the community. (e) The Legislature recognizes that in carrying out this responsibility, each local government also has the responsibility to consider economic, environmental, and fiscal factors and community goals set forth in the general plan and to cooperate with other local governments and the state in addressing regional housing needs.”

As required under California law, each municipality is required to prepare a comprehensive general plan as a guide for its physical development. Each general plan is required to contain seven mandatory elements, including a housing element. As specified in Section 65581 of the CGC, in requiring the preparation of that element, it is the intent of the State Legislature to: (1) assure that counties and cities recognize their responsibilities in contributing to the attainment of the State housing goal; (2) assure that counties and cities will prepare and implement housing elements which, along with federal and State programs, will move toward attainment of the State housing goal; (3) recognize that each locality is best capable of determining what efforts are required by it to contribute to the attainment of the State housing goal; and (4) ensure that each local government cooperates with other local governments in order to address regional housing need, including special needs.

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State planning law requires that each municipality periodically update the housing element of its local general plan. On April 19, 2011 (Resolution No. 2011-11), the Council adopted the “City of Diamond Bar 2008-2014 Housing Element” outlining the City’s housing strategy for the 2008-2014 time period. The updated Housing Element includes the Southern California Association of Governments (SCAG) adopted Regional Housing Needs Assessment (RHNA) for the 2008-2014 time period, identifying the number of new housing units (by income category) needed to accommodate projected growth within the City. As reflected therein, the City’s allotted share of regional growth is represented as 1,090 new housing units, including 284 very-low income units, 179 low-income units, 188 moderate-income units, and 440 above moderate-income units.

In order to address regional housing needs, the CGC contains specific requirements for regional housing needs assessments (RHNA). Section 65581 of the CGC requires cities and counties to recognize their responsibilities in contributing to the attainment of the State’s housing goal and acknowledges that each locality is best capable of determining what efforts are required. As indicated in pertinent part in Section 65584(a) of the CGC: “For purposes of subdivision (a) of Section 65583, the share of a city or county of the regional housing needs includes that share of the housing need of persons at all income levels within the area significantly affected by a general plan of the city or county. . .The appropriate council of governments shall determine the share for each city or county consistent with the criteria of this subdivision.”

The RHNA is a planning target and not a formal development quota. As part of the Housing Element update, each municipality is required to analyze the potential development capacity of vacant or underutilized sites and identify an “inventory” of parcels at appropriate densities that could accommodate the RNHA allocation of new housing units. The Housing Element analysis concluded that the City possessed insufficient inventory to accommodate the RHNA allocation in the “very low” and “low” income categories. As a result, the City is required to create additional opportunities for affordable housing through a rezoning program. State law recognizes that cities generally do not build housing and, while cities are not required to achieve their RHNA targets, they are required to rezone land if there is not adequate capacity to accommodate the number and type of housing units allocated in the RNHA.

The City’s adoption of the Housing Element update did not, in and of itself, produce a change of zone or amend an existing General Plan land-use. As indicated in “Agenda Report 7-1 (2008-2014 Housing Element Update [General Plan Amendment No. PL 2011-43]),” as presented to the Council by the Department on April 19, 2011, following adoption of the Housing Element update, the City will initiate the environmental studies needed to assist the Commission and the Council in identifying the appropriate sites to be rezoned. Because the implementation of the proposed SDSP or one of a number of alternatives thereto would resulting in a General Plan amendment (GPA) and zone change (ZC) of lands within the City from a non-residential to a residential land use, those actions would serve to further the requirements of State housing law and the City’s obligations thereunder.

3.0 INTRODUCTION TO FINDINGS

3.1 Applicable Provisions of CEQA and the State CEQA Guidelines

Section 21001(d) of CEQA codifies the important Statewide policy of "ensur[ing] that the long-term protection of the environment. . .shall be the guiding criterion in public decisions." In *Laurel Heights Improvement Assn. v. Regents of University of California* (1988), the court noted that "[t]he foremost principle under CEQA is that the Legislature intended the act 'to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable

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scope of the statutory language." CEQA contains a "substantive mandate" requiring public agencies to refrain from approving projects with significant environmental effects if "there are feasible alternatives or mitigation measures" that can substantially lessen or avoid those effects" (Mountain Lion Foundation v. Fish and Game Commission [1997]). The State CEQA Guidelines define the term "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors" (14 CCR 15364).

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

The DEIR, RTC1, and RTC2 identify a number of environmental impacts which have been categorized as "significant." Relying on the word "or" in Section 21002 and 21002.1 of CEQA (i.e., "agencies should not approve projects as approved if there are feasible alternatives or feasible mitigation measures") and understanding the requirement to be disjunctive so that agencies need only adopt mitigation measures or alternatives but not both, the courts have stated that agencies need not even consider the feasibility of project alternatives if they adopt mitigation measures that "substantially lessen or avoid" projects' significant adverse impacts (Laurel Hills Homeowners Association v. City Council [Citation]. The EIR must 'contain a meaningful discussion of both alternatives and mitigation measures. . . Therefore, we conclude if there is evidence of one or more potentially significant impacts, the report must contain a meaningful analysis of alternatives or mitigation measures which would avoid or lessen such impacts'" (Kings County Farm Bureau v. City of Hanford [1990]).

3.2 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 CEQA and the State CEQA Guidelines. For planning purposes, the Lead Agency, the 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. With regards to the March 2010 SDSP, 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) GPA No. 2007-03 (City); (4) ZC No. 2007-04 (City); (5) Specific Plan No. 2007-01 (City); (6) Development Agreement No. 2012-01; and (7) Tentative Map No. 70687. With the exception of Tentative Map No. 70687, each of those same case numbers remain applicable to the January 2012 SDSP.

References to the March 2010 SDSP and the January 2012 SDSP herein are 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 specific plan and the real property thereupon for the residential, non-residential, and infrastructure-related uses proposed within the geographic area examined in the FEIR; and (4) conditions, standards, and mitigation measures as may be imposed thereupon by the Lead Agency's decision-making body and the decision-making bodies of those responsible agencies with jurisdiction over the project or any aspect thereof.

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Section 21081 of CEQA "effectuates the 'substantive mandate' of CEQA by requiring an agency to make certain findings before approving any project with significant effects." Section 21081 provides, in part, that "no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out" unless, among other things, the agency makes one or more of three findings with respect to each significant effect. This document presents the findings of fact and substantial evidence that must be made by the 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 21081(a) of CEQA and Section 15091(a) 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 (Section 21081(a)(1) of CEQA; Section 15091(a)(1), State CEQA Guidelines)

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 (Section 21081(a)(2) of CEQA; Section 15091(a)(2), State CEQA Guidelines)

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 project alternatives identified in the final EIR (Section 21081(a)(3) of CEQA; Section 15091(a)(3), State CEQA Guidelines).

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 project 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.

As required under Section 21081(b) of CEQA, with respect to significant environmental effects which are subject to a finding under Section 21081(a)(3), the public agency shall find that specific economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment. Section 15093(b) of the State CEQA Guidelines stipulate that, when the lead agency approves a project which will result in the occurrence of significant environmental effects which are identified in the final EIR but which are not avoided or substantially lessened, the agency shall state, in writing, the specific reasons to support its actions based on the final EIR and/or other information in the record.

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In *Sierra Club v. Contra Costa County* (1992), the Court of Appeal explained that "[a] statement of overriding considerations reflects the final stage in the decision[-]making process by the public body. A public agency can approve a project with significant environmental impacts only if it finds such effects can be mitigated or concludes that unavoidable impacts are acceptable because of overriding concerns [Citations]. If approval of the project will result in significant environmental effects which 'are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record' [Citation]. These reasons constitute the statement of overriding considerations which is intended to demonstrate the balance struck by the body in weighing the 'benefits of a proposed project against its unavoidable environmental risks' [Citations]. 'Whereas the [mitigation and feasibility] findings. . . typically focus on the feasibility of specific proposed alternatives and mitigation measures, the statement of overriding considerations focuses on the larger, more general reasons for approving the project, such as the need to create new jobs, provide housing, generate taxes, and the like' [Citation]."

In accordance with Section 15091 of the State CEQA Guidelines, the Council makes the herein referenced findings for each significant environmental effect identified in the FEIR. Those impacts are categorized under the corresponding topical headings presented in the FEIR. Reference to numbers assigned to standard conditions, performance standards, and mitigation measures in these Findings are as presented therein and may differ from those numbers or notations subsequently assigned by the Lead Agency should the City's decision-making body elect to approve or conditionally approve the proposed project (March 2010 SDSP) or some variation thereof.

3.3 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 Council at the time of certification:

- (1) "Initial Study" (February 2008), 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" (June 2009) (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) "Response to Comments on the Draft Environmental Impact Report – 'Site D' Specific Plan, SCH No. 2008021014" (March 2010) (RTC or RTC1);
- (5) "Response to Comments No. 2 on the Draft Environmental Impact Report – 'Site D' Specific Plan, SCH No. 2008021014" (January 2012) (RTC2)
- (6) Other site-specific and/or project-specific technical studies and exhibits not included in the FEIR but explicitly referenced therein;
- (7) "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);

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- (8) All written and verbal public testimony presented during noticed scoping meetings and public hearings for the project at which public testimony was taken;
- (9) "Mitigation Reporting and Monitoring Program" (MRMP), as required under Section 21081.6 of CEQA, as presented in RTC2, and as subsequently adopted by the Council;
- (10) All agendas, staff reports, and approved minutes of the Commission and Council relating to the project;
- (11) All maps, exhibits, figure, and text comprising the "'Site D' Specific Plan";
- (12) All other public reports, documents, studies, memoranda, maps, and planning documents relating to the "'Site D' Specific Plan" and/or the FEIR, prepared by the Lead Agency, consultants to the Lead Agency, or by other responsible and trustee agencies;
- (13) Matters of common knowledge to the City including, but not limited to, federal, State, and local laws, rule, regulations, and standards;
- (14) These Findings and all documents expressly cited in these Findings; and
- (15) Such other relevant materials required to be in the record of proceedings under Section 21167.6(e) of CEQA.

3.4 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, studies, reports, correspondence, and other material comprising the administrative record for the project are located at the City of Diamond Bar Community Development Department (21810 Copley Drive, Second Floor, Diamond Bar, California 91765-4178) and are, upon appointment, available for review during the regular business hours of the Department. The Director of the Community Development Department (Director) is the custodian of record for the project.

3.5 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 (March 2010 SDSP), describes its location, and identifies the project's stated objectives. Also presented herein is a description of the alternatives to the project identified by the Lead Agency and presented in the project's CEQA documentation.

Section 2.0 (Identified Housing Need in the City of Diamond Bar). This section described the identified housing need within the City, as identified in the General Plan and the Southern California Association of Governments (SCAG) adopted RHNA.

Section 3.0 (Introduction to Findings). This section provides an introduction to these Findings, and describes their purpose and statutory and regulatory bases.

Section 4.0 (General Findings). In addition to the specific findings presented herein, this section identifies the general CEQA findings of the Lead Agency

Section 5.0 (Findings Regarding the Significant Environmental Effects of the Proposed Project [March 2010 SDSP] that Cannot Feasibly be Reduced to Below a Level of Significance should it be Implemented). This section sets forth findings regarding the significant environmental

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impacts of the proposed project (March 2010 SDSP) 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 which result from the approval, construction, habitation, and/or use of the proposed project (March 2010 SDSP).

Section 6.0 (Findings Regarding the Rejection of the Proposed Project [March 2010 SDSP] and the Selection of Alternative 6 [January 2012 SDSP] for Implementation). In compliance with CEQA's "substantial mandate," in order to avoid or substantially lessen the existence of significant environmental effects, this section sets forth findings regarding the Lead Agency's rejection of the proposed project (March 2010 SDSP) and selection of Alternative 6 (January 2012 SDSP).

Section 7.0 (Findings Regarding the Environmental Effects of Alternative 6 [January 2012 SDSP] that can Feasibly be Reduced to Below a Level of Significance). This section sets forth findings regarding the significant environmental impacts of Alternative 6 (January 2012 SDSP) that 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 reduced to a less-than-significant level through the imposition of standard conditions (conditions), performance standards (standards), and/or through the adoption of those mitigation measures included in the FEIR and adopted or likely to be adopted in the "Mitigation Reporting and Monitoring Program" (MRMP).

Section 8.0 (Findings Regarding the Lead Agency's Decision not to Recirculate the DEIR Prior to Certification). This section sets forth findings supporting the Lead Agency's decision not to recirculate the DEIR prior to its certification.

Section 9.0 (Findings Regarding the Mitigation Reporting and Monitoring Program). This section contains findings with regards to the MRMP.

Section 10.0 (Findings Regarding those Alternatives not Selected for Implementation). This section provides findings regarding those alternatives to the proposed project (March 2010 SDSP) and to Alternative 6 (January 2012 SDSP) that were examined in the FEIR and considered by the Lead Agency's decision-making body as part of their deliberations but not selected by the Council for implementation following those deliberations.

Section 11.0 (Statement of Project Benefits). This section presents a number of identifiable community benefits attributable to the project.

As applicable for each of the above referenced sections, the significant environmental effects attributable to the proposed project (March 2010 SDSP) and to Alternative 6 (January 2012 SDSP) and 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 substantial evidence in the project's administrative record.

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 Lead Agency's decision-making body in support of these Findings.

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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 which it has prepared for other projects and by other jurisdictions located throughout southern California.

4.0 GENERAL FINDINGS

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

- (1) The Council finds and certifies that the FEIR constitutes a complete, accurate, adequate, and good-faith effort at full disclosure under CEQA.
- (2) The Council finds and certifies that the FEIR and all environmental notices associated therewith have been completed in compliance with CEQA, the State CEQA Guidelines, and local guidelines and procedures;
- (3) The Council has independently reviewed and analyzed the FEIR and the FEIR reflects the independent judgment of the Lead Agency's decision-making body;
- (4) The Council has neither made any decisions nor taken any actions that would constitute an irretrievable commitment of resources toward the project prior to the certification of the FEIR nor has the Council previously committed to a definite course of action with respect thereto or with regards to the use and utilization of the project site;
- (5) Under CEQA, the City is the appropriate "lead agency" for the project and, during these proceedings, no other agency has asserted or contested the City's "lead agency" status;
- (6) As part of the CEQA process, in compliance with the provisions of Senate Bill (SB) 18 and OPR's "Supplement to General Plan Guidelines – Tribal Consultation Guidelines" (2005), the Lead Agency notified the appropriate California Native American tribes 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 listed on the Native American Heritage Commission's (NAHC) contact list that have or that may have traditional lands within the Lead Agency's jurisdiction, and send notices to tribes that have filed a written request for such notices;
- (7) Because 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 governmental entities identified by the Lead Agency in the FEIR which constitute "responsible agencies" under CEQA;
- (8) 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;
- (8) 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 responses to those public agencies that submitted comments to the Lead Agency on the DEIR;
- (9) The potential environmental impacts of the project have been analyzed to the extent feasible at the time of certification of the FEIR;
- (10) A MRMP has been prepared identifying those feasible mitigation measures that the Council has adopted or will likely adopt in order to reduce the project's significant environmental effects to the maximum extent feasible;
- (11) The mitigation measures adopted or likely to be adopted by the 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;

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- (12) Each of the issues to be resolved, as identified in the FEIR and/or subsequently raised in comments received by the Lead Agency during the deliberations of its advisory and decision-making bodies, have been resolved to the satisfaction of the Council;
- (13) The Council reviewed the comments received on the FEIR, including, but not limited to, those comments received following the dissemination of the DEIR, and the Lead Agency's responses thereto and has determined that neither the comments received nor the responses presented add "significant new information," as defined under Section 15088.5 of the State CEQA Guidelines, to the DEIR;
- (14) The Lead Agency's analysis of greenhouse gas (GHG) emissions complies with the requirements of CEQA and the State CEQA Guidelines, inclusive of those changes thereto resulting from the approval of SB 97, as approved by the Governor on August 24, 2007 and which became effective on March 18, 2010;
- (15) 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;
- (16) These Findings incorporate by reference such other findings as may be required under Sections 65454, 65455, 66474, 66474.4, 65853, and 65860 of the CGC and those corresponding finding required under the Municipal Code; and
- (17) Having received, reviewed, and considered all information and documents in the record, the Council has or will impose conditions, standards, and mitigation measures and has or will take other reasonable actions to reduce the environmental effects of the project to the maximum extent feasible and makes the findings stated herein.

5.0 FINDINGS REGARDING THE SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROPOSED PROJECT (MARCH 2010 SDSP) THAT CANNOT FEASIBLY BE REDUCED TO BELOW A LEVEL OF SIGNIFICANCE SHOULD IT BE IMPLEMENTED

With regards to the March 2010 SDSP, the Council has determined that existing statutes, regulations, uniform codes, project design features, conditions, standards, and mitigation measures included in the FEIR 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, regulations, conditions, standards, codes, features, and measures, the Council finds that no feasible mitigation measures exist that would reduce those environmental impacts to a less-than-significant level. The following significant environmental effects will continue to exist should the Council approve or conditionally approve the March 2010 SDSP. The significant environmental effects presented herein are extracted from Table ES-1 (Summary of Environmental Impacts and Level of Significance) and from the corresponding analysis presented in the DEIR.

- 5.1 Environmental Effect: Construction of the proposed project [March 2010 SDSP] has the potential to violate or add to a violation of air quality standards (Air Quality Impact 7-2).

Finding: The Council hereby makes Finding (1).

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

- (a) With regards to the proposed project (March 2010 SDSP), project-related and cumulative air quality impacts are addressed, in part, in Section 4.7 (Air Quality) in the DEIR and in Section 3.3.7 (Air Quality) in RTC2 and those analyses are incorporated herein by reference.

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- (b) During construction, 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 structures.
- (c) For the purpose of environmental analysis, the terms “reactive organic gases” (ROGs), “reactive organic compounds” (ROCs), and “volatile organic compounds” (VOCs) are used interchangeably.
- (d) The air quality analysis of the construction and operation of the proposed project (March 2010 SDSP) was conducted in accordance with the then existing 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 website. The analysis made 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 the CALINE4 computer model for on-road carbon monoxide (CO) dispersion modeling.
- (e) The analysis of the potential short-term (construction) air quality impacts of the proposed project (March 2010 SDSP) was conducted in a manner consistent with the emissions assessment methodology recommended by the SCAQMD at the time of the DEIR’s preparation.
- (f) Based on the SCAQMD’s recommended threshold criteria of 75 pounds of ROG per day, application of the URBEMIS2007 emissions model indicated that ROG emissions associated with the application of paints and coatings for those uses authorized under the proposed project (March 2010 SDSP) would result in a significant short-term air quality impact. Specifically, the URBEMIS2007 model showed that the residential portion of the proposed project (March 2010 SDSP) would produce 66.39 pounds of ROG per day from paints and coatings (less than the recommended threshold) and the commercial portion of the proposed project would produce 173.62 pounds of ROG per day (more than the recommended threshold).
- (g) With regards to the proposed project (March 2010 SDSP), because ROG emissions would exceed the SCAQMD’s recommended significance threshold during the construction phase, the Lead Agency formulated the following mitigation measures (MM) to reduce that short-term impact to the maximum extent feasible: (1) All non-residential paints shall contain no more than 0.22 pound/gallon (100 gram/liter) of volatile organic compound (VOC) (MM7-1); and (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 SCAQMD (MM 7-2).
- (h) 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 those conditions and codes is mandatory and, as such, does not constitute mitigation under CEQA. Those conditions mandated by the SCAQMD include, but are not limited to: (1) Rule 403 requiring the use of Best Available Control Technologies (BACT) during construction and setting requirements for dust control associated with construction activities; (2) Rules 431.1 and 431.2 requiring the use of low sulfur

- fuel for stationary construction equipment; and (3) Rules 1108 and 1113 settings limitations on ROG content in asphalt and architectural coatings, respectively.
- (i) Notwithstanding the implementation of all feasible 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 project and/or implementation of an alternative to the proposed project (March 2010 SDSP), projected construction-term ROG emissions would remain at levels in excess of the SCAQMD's recommended threshold criteria.
 - (j) One of the alternatives examined in the FEIR is Alternative 6 (January 2012 SDSP) which, among other things, eliminates the 153,985 square feet of commercial use authorized under the proposed project (March 2010 SDSP) and reduces the number of residential units from 202 to 200 dwellings. The elimination of the commercial use and the reduction in the number of residential units would substantially reduce the square footage of allowable on-site development requiring the application of architectural coatings. The URBEMIS2007 emissions model shows that the construction of the 202 dwelling units authorized under the proposed project (March 2010 SDSP) would not exceed the SCAQMD's threshold standard for ROG during the construction phase.
 - (i) In February 2011, the SCAQMD released a new analytical tool, the California Emissions Estimator Model (CalEEMod) (Version 2011.1.1), capable of calculating both criteria pollutants and GHG emissions. Although representing separate methodologies and yielding slightly different results, the general comparability of the URBEMIS2007 and CalEEMod analysis was demonstrated in the FEIR based on a technical comparison prepared by and presented in the SCAQMD's "Technical Paper – Methodology Reasoning and Policy Development of the California Emission Estimator Model" (SCAQMD, July 2011).
 - (j) The potential short-term air quality impacts associated with the implementation of Alternative 6 (January 2012 SDSP) were analyzed using the CalEEMod emissions model. As indicated, with regards to criteria pollutants, all values (including ROG) were determined to fall below their respective thresholds and the projected short-term air quality impact of Alternative 6 (January 2012 SDSP) alternative would be less than significant.
 - (k) Based on the CalEEMod emissions modeling conducted for Alternative 6 (January 2012 SDSP), with the exception of Alternative 1 (No Project), it can be reasonably concluded that any residential development project of comparable or lesser size/scale developed on the project site and operating under the same general assumptions would produce similar construction-term air quality impacts. Under Alternative 4 (Low-Density Residential), a total of 60 dwelling units would be constructed on the project site. With regards to criteria pollutants, short-term air quality impacts attributable to Alternative 4 (Low-Density Residential) are assumed to be less than significant.
 - (l) With regards to criteria pollutants, the implementation of the proposed project (March 2010 SDSP), as feasibly mitigated and conditioned, would not result in the avoidance of significant short-term air quality impacts
 - (m) With regards to criteria pollutants, since no significant short-term air quality impacts would result from their approval, with the exception of Alternative 1 (No Project), the implementation of Alternative 4 (Low-Density Residential) or Alternative 6 (January 2012 SDSP) would reduce short-term air quality impacts to a less-than-significant level.

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- 5.2 Environmental Effect: Operation of the proposed project [March 2010 SDSP] has the potential to violate or add to a violation of air quality standards (Air Quality Impact 7.3).

Finding: The Council hereby makes Finding (1).

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

- (a) With regards to the proposed project (March 2010 SDSP), project-related and cumulative air quality impacts are addressed, in part, in Section 4.7 (Air Quality) in the DEIR and in Section 3.3.7 (Air Quality) in RTC2 and those analyses are incorporated herein by reference.
- (b) The analysis of the potential long-term (operational) air quality impacts of the proposed project (March 2010 SDSP) was conducted in a manner consistent with the emissions assessment methodology recommended by the SCAQMD at the time of the DEIR's preparation.
- (b) With regards to criteria pollutants, 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 (March 2010 SDSP) is estimated to produce 9,276 average daily vehicle trips (ADT).
- (c) Emission projections associated with vehicle trips attributable to the proposed project (March 2010 SDSP) were based on the URBEMIS2007 emissions model and assumed site occupancy in 2009. Since emissions per vehicle are reduced annually due to the tightening of emissions restrictions and the replacement of older vehicles, the use of 2009 emission factors serves to prevent a worst-case analysis with regards to air quality impacts associated with the implementation of the March 2010 SDSP.
- (d) For the proposed project (March 2010 SDSP), operational ROG, nitrogen oxides (NO_x), and carbon monoxide (CO) emissions were projected to exceed the SCAQMD recommended threshold of significance values for those criteria pollutants and the impact is significant. The SCAQMD's recommended threshold criteria of 55 pounds of ROG per day, 55 pounds of NO_x per day, and 550 pounds of CO per day. The URBEMIS2007 emissions model indicated that ROG, NO_x, and CO would be approximately 84.44, 131.95, and 933.86 pounds per day, respectively.
- (e) Operational emission projections for ROG, NO_x, and CO exceed the SCAQMD's recommended threshold value by approximately 153.5, 239.9, and 169.8 percent, respectively. Said another way, emission projections would need to be reduced by about 29.44 (84.44-29.44=55), 76.95 (131.95-76.95=55), and 383.86 (933.86-383.86=550) pounds per day or by about 34.9 (29.44/84.44=0.349), 58.3 (76.95/131.95=0.583), or 41.1 (383.86/933.86=0.411) percent per day, respectively, in order to fall below SCAQMD's recommended threshold of significance. Of these three criteria emissions, because NO_x would require the greatest percentage reduction (58.3 percent), nitrogen oxides may be the controlling variable with regards to operational air quality impacts.
- (f) With regards to the proposed project (March 2010 SDSP), because project operations are projected to create ROG, NO_x, and CO emissions in excess of the SCAQMD suggested daily criteria, the Lead Agency formulated the following mitigation measures to reduce that long-term impact to the extent as feasible: (1) Traffic lane improvements and signalization, as outlined in the traffic study, shall be implemented and will generally improve local traffic flow, thereby reducing

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emissions created in the project area (MM 7-3); (2) 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 (MM 7-4); (3) 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 (MM 7-5); (4) The Applicant shall specify the installation of energy efficient lighting, air conditioning, water heaters, and appliances for all residential and commercial uses (MM 7-6); and (5) The Applicant shall specify the installation of energy efficient street lighting (MM 7-7).

- (g) Notwithstanding the implementation of the recommended mitigation measures, other than through a substantial reduction in the number of vehicle trips and/or implementation of an alternative to the proposed project (March 2010 SDSP), projected operational ROG, NO_x, and CO emissions would remain at levels in excess of the SCAQMD's recommended threshold criteria.
- (h) One of the alternatives examined in the FEIR is Alternative 6 (January 2012 SDSP) which, among other things, eliminates the 153,985 square feet of commercial use authorized under the proposed project (March 2010 SDSP) and reduces the number of residential units from 202 to 200 dwellings. As determined by an independent traffic analysis, the elimination of the commercial use and the reduction in the number of dwelling units would reduce the number of average daily vehicle trips from approximately 9,276 daily trip ends associated with the March 2010 SDSP to about 1,182 daily trip ends associated with Alternative 6 (January 2012 SDSP). When the two alternatives are compared, the January 2012 SDSP would produce about 8,094 fewer daily trip ends, representing a reduction of approximately 87.3 percent.
- (i) In February 2011, the SCAQMD released the CalEEMod (Version 2011.1.1), emissions model. Although representing separate methodologies and yielding slightly different results, the general comparability of the URBEMIS2007 and CalEEMod analysis was demonstrated in the FEIR
- (j) The potential long-term air quality impacts associated with the implementation of Alternative 6 (January 2012 SDSP) were analyzed using the CalEEMod emissions model. Based on that analysis, emission projections for ROG, NO_x, and CO were determined to be approximately 18.97, 23.22, and 115.19 pounds per day, respectively. As indicated, with regards to criteria pollutants, all values (including ROG, NO_x, and CO) were determined to fall below their respective thresholds and the projected long-term air quality impact of Alternative 6 (January 2012 SDSP) would be less than significant.
- (k) Based on the CalEEMod emissions modeling conducted for Alternative 6 (January 2012 SDSP), with the exception of Alternative 1 (No Project), it can be reasonably concluded that any residential development project of comparable or lesser size/scale developed on the project site and operating under the same general assumptions would produce similar long-term air quality impacts. Under Alternative 4 (Low-Density Residential), a total of 60 dwelling units would be constructed on the project site. With regards to criteria pollutants, long-term air quality impacts attributable to Alternative 4 (Low-Density Residential) are assumed to be less than significant.
- (l) Based on the CalEEMod emissions modeling conducted for Alternative 6 (January 2012 SDSP), it is estimated that the January 2012 SDSP will generate

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approximately 23.22 pounds of NOx per day (Table RTC2-14). The majority of those emissions (21.61 pounds/day) are attributable to mobile source emissions. With regards to NOx emissions, based on the SCAQMD's operational threshold criteria of 55 pounds per day, assuming that all emissions increase linearly, a residential or non-residential development project developed on the project site and operated under the same general assumptions could generate an estimated 236.9 ($55/23.22=2.369$) percent increase in the number of vehicle trips (than the January 2012 SDSP) and not exceed that threshold. As indicated in the FEIR, the January 2012 SDSP is estimated to generate about 1,182 daily trip ends. A 236.9 percent increase represents about 2,800 average daily trip ends. Since Alternative 2 (Public Facilities) (2,478 ADT), Alternative 4 (Low-Density Residential) (574 ADT), Alternative 5 (High-Density Residential) (2,364 ADT), and Alternative 6 (January 2012 SDSP) (1,182 ADT) are projected to generate a lesser number of daily trip ends, with regards to criteria emissions, operational air quality impacts associated with those alternatives are assumed to be less than significant.

- (m) With regards to criteria pollutants, the implementation of the proposed project (March 2010 SDSP), as feasibly mitigated and conditioned, would not result in the avoidance of significant operational air quality impacts.
- (n) With regards to criteria pollutants, since no significant operational air quality impacts would result from their approval, with the exception of Alternative 1 (No Project), the implementation of Alternative 2 (Public Facilities), Alternative 4 (Low-Density Residential), Alternative 5 (High-Density Residential), or Alternative 6 (January 2012 SDSP) would reduce long-term air quality impacts to a less-than-significant level.

5.3 Environmental Effect: The proposed project [March 2010 SDSP], in combination with other related projects, has the potential to result in a cumulatively considerable increase in criteria pollutants (Air Quality Impact 7-6).

Finding: The Council hereby makes Finding (1).

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

- (a) With regards to the proposed project (March 2010 SDSP), project-related and cumulative air quality impacts are addressed, in part, in Section 4.7 (Air Quality) in the DEIR and in Section 3.3.7 (Air Quality) in RTC2 and those analyses are incorporated herein by reference.
- (b) Pursuant to SCAQMD's recommended methodology, projects that do not exceed or can be mitigated to less than SCAQMD's daily threshold values do not add significantly to a cumulative impact. Conversely, projects that result in significant unmitigable short-term or long-term air quality impacts, would be deemed to produce significant cumulative air quality impacts.
- (c) With regards to the proposed project (March 2010 SDSP), since ROG emissions associated with the application of asphalt, paints, and coatings and ROG, NOx, and CO mobile source emissions associated with the project's operation are expected to remain significant after mitigation, the project's incremental contribution to cumulative air quality impact would be cumulatively considerable.
- (d) As indicated in Section 15064(i)(1) of the State CEQA Guidelines, "cumulatively considerable" means "that the incremental effects of an individual project are

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considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.”

- (e) Mitigation for cumulative air quality impacts is as specified for construction and operational impacts. Even with the adoption of all feasible 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 project and/or implementation of an alternative to the proposed project (March 2010 SDS), air quality impacts will remain cumulatively significant.
- (f) The implementation of the proposed project (March 2010 SDS), as feasibly mitigated and conditioned, would not result in the avoidance of significant construction, operational, and cumulative air quality impacts.
- (g) Since no significant project-level construction, operational, or GHG emissions impacts would result from their approval, with the exception of Alternative 1 (No Project), the implementation of Alternative 4 (Low-Density Residential) or Alternative 6 (January 2012 SDS) would reduce cumulative air quality impacts to a less-than-significant level.

5.4 Environmental Effect: The project has the potential to generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment (Air Quality Impact 7-8).

Finding: The Council hereby makes Finding (1).

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

- (a) With regards to the proposed project (March 2010 SDS), project-related and cumulative air quality impacts are addressed, in part, in Section 4.7 (Air Quality) in the DEIR and in Section 3.3.7 (Air Quality) in RTC2 and those analyses are incorporated herein by reference.
- (b) The SCAQMD is in the process of establishing a threshold for GHG emissions to determine a project's regional contribution toward global climate change impacts for California. On December 5, 2008, SCAQMD adopted an annual threshold of 3,000 metric tons of CO₂ equivalent (MTCO₂e) for residential and commercial projects for which it is the lead agency under CEQA.
- (c) To provide guidance to local lead agencies on determining significance for GHG emissions in their CEQA documents, the SCAQMD has convened a GHG CEQA Significance Threshold Working Group (Working Group). As indicated in the “Minutes of the GHG CEQA Significance Threshold Stakeholders Working Group #5” (SCAQMD, September 28, 2010), with regards to numerical residential and commercial GHG significance thresholds, “at the 11/19/2009 stakeholder working group meeting [SCAQMD] staff presented two options that lead agencies could choose; option #1 – separate numerical thresholds for residential projects (3,500 MTCO₂e/year), commercial projects (1,400 MTCO₂e/year), and mixed use projects (3,000 MTCO₂e/year) and option #2 – a single numerical threshold for all non-industrial projects of 3,000 MTCO₂e/year. If a lead agency chooses one option, it must consistently use that same option for all projects where it is lead agency. The current staff proposal is to recommend the use of option #2, but allow lead agencies to choose option #1 if they prefer that approach.
- (d) In selecting the identified threshold of significance criteria for GHG emissions for the proposed project (March 2010 SDS), the Lead Agency is neither making a determination that the selected criteria will be universally applied to all projects

located within the City's jurisdiction in which it serves as "lead agency" under CEQA nor that an alternative criteria may not be selected in the future based on information then available to the Lead Agency. With regards to GHG emissions, for the purpose of CEQA compliance and these specified entitlements, a criteria of 3,000 MTCO₂e was applied to both the proposed project (March 2010 SDSP) and to Alternative 6 (January 2012 SDSP).

- (e) Construction activities would consume fuel and result in the generation of greenhouse gases. Construction CO₂e emissions are as projected using the CalEEMod emissions model. The CalEEMod emissions model indicates that construction (unmitigated) could generate approximately 764.26 MTCO₂e in 2013, 910.28 MTCO₂e in 2014, and 223.97 MTCO₂e in 2015. All of these values under the suggested annual threshold of 3,000 MTCO₂e per year and the impact of constructing the proposed project (March 2010 SDSP) on GHG emissions is less than significant.
- (f) During the operational life of the proposed project (March 2010 SDSP), the majority of GHG emissions, specifically CO₂, are due to vehicle travel and energy consumption. It is projected that all emission sources, including mobile, area source, energy, waste, and water conveyance, approximately 14,276.99 MTCO₂e would be generated on an annual basis. The resulting operational impact (unmitigated), exceeds the suggested annual threshold of 3,000 MTCO₂e per year and the impact is considered potentially significant.
- (g) Once the project's proposed energy and water conservation measures are included and the CalEEMod emissions model rerun, for all sources (i.e., mobile, area source, energy, waste, and water conveyance), estimated operational GHG emissions are reduced to approximately 13,156.21 MTCO₂e per year. This value remains over the suggested annual threshold of 3,000 MTCO₂e and the impact of GHG emissions attributable to the proposed project (March 2010 SDSP) remains significant.
- (h) In order to mitigate GHG emissions to the maximum extent feasible, the following mitigation measures were formulated by the Lead Agency: (1) The Applicant shall specify the installation of energy efficient lighting, air conditioning, water heaters, and appliances for all residential and commercial uses (MM 7-6); and (2) The Applicant shall specify the installation of energy efficient street lighting (MM 7-7). As mitigated, the resulting value remains substantially in excess of the SCAQMD's recommended GHG threshold of 3,000 MTCO₂e per year and the impact remains significant.
- (i) Notwithstanding the implementation of all feasible 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 project and/or implementation of an alternative to the proposed project (March 2010 SDSP), projected GHG emissions would remain at levels in excess of the SCAQMD's recommended threshold criteria.
- (j) The potential GHG emissions and climate change impacts associated with the implementation of Alternative 6 (January 2012 SDSP) were analyzed using the CalEEMod emissions model. As indicated, with regards to both construction and operation, GHG emissions were projected at values less than the SCAQMD's threshold of 3,000 MTCO₂e per year and the resulting impact of the "January 2012 SDSP" alternative on climate change would be less than significant.
- (k) With the exception of Alternative 1 (No Project), it can be reasonably concluded that any residential development project of comparable or lesser size/scale developed on the project site and operating under the same general

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assumptions would produce similar climate change impacts. Under Alternative 4 (Low-Density Residential), a total of 60 dwelling units would be constructed on the project site. With regards to GHG emissions and climate change, air quality impacts attributable to Alternative 4 (Low-Density Residential) are assumed to be less than significant.

- (l) The implementation of the proposed project (March 2010 SDSP), as feasibly mitigated and conditioned, would not result in the avoidance of significant climate change impacts
- (m) Since no significant project-level or cumulative GHG emissions impacts would result from their approval, with the exception of Alternative 1 (No Project), the implementation of Alternative 4 (Low-Density Residential) or Alternative 6 (January 2012 SDSP) would reduce GHG emissions and climate change impacts to a less-than-significant level.

5.5 Environmental Effect: The project has the potential to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases (Air Quality Impact 7-9).

Finding: The Council hereby makes Finding (1).

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

- (a) With regards to the proposed project (March 2010 SDSP), project-related and cumulative air quality impacts are addressed, in part, in Section 4.7 (Air Quality) in the DEIR and in Section 3.3.7 (Air Quality) in RTC2 and those analyses are incorporated herein by reference.
- (b) Under CEQA, an impact can be significant if the project does not comply with the applicable plans necessary for the reduction of greenhouse gases. Projects that generate de minimus GHG emission levels (i.e., less than 3,000 MTCO₂e per year) and do not result in significant project-level impacts or can be mitigated to a less-than-significant level are deemed to be in compliance with local and regional policies regarding GHG emissions. With regards to the proposed project (March 2010 SDSP), because project-related operational GHG emissions are projected to be in excess of the threshold criteria, those emissions are also considered to be cumulatively significant.
- (c) Construction emissions attributable to the proposed project (March 2010 SDSP) are estimated at no more than 910.28 MTCO₂e per year. This value is well below the annual threshold value of 3,000 MTCO₂e and the cumulative impact of construction-term GHG emissions to climate change is less than significant. As such, construction activities would not conflict with existing plans and policies.
- (d) Based on the CalEEMod emissions model, the proposed project (March 2010 SDSP) would result in the generation of approximately 14,276.99 MTCO₂e per year before mitigation and 13,156.21 MTCO₂e per year after mitigation. These values exceed the suggested 3,000 MTCO₂e per year threshold and the impact to climate change remains significant.
- (e) The potential GHG emissions and climate change impacts associated with the implementation of Alternative 6 (January 2012 SDSP) were analyzed using the CalEEMod emissions model. As indicated, with regards to both construction and operation, GHG emissions were projected at values less than the SCAQMD's threshold of 3,000 MTCO₂e per year. As a result, the impact of Alternative 6 (January 2012 SDSP) on climate change would be less than significant.

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- (f) With the exception of Alternative 1 (No Project), it can be reasonably concluded that any residential development of comparable or lesser size/scale than that of Alternative 6 (January 2012 SDSP) which were to be developed on the project site and operating under the same general assumptions would produce similar climate change impacts. Under Alternative 4 (Low-Density Residential), a total of 60 dwelling units would be constructed on the project site. With regards to GHG emissions and climate change, air quality impacts attributable to Alternative 4 (Low-Density Residential) are assumed to be less than significant.
- (g) The implementation of the proposed project (March 2010 SDSP), as feasibly mitigated and conditioned, would not result in the avoidance of significant climate change impacts
- (h) Since no significant project-level or cumulative GHG emissions impacts would result from their approval, with the exception of Alternative 1 (No Project), the implementation of Alternative 4 (Low-Density Residential) or Alternative 6 (January 2012 SDSP) would reduce GHG emissions and climate change impacts to a less-than-significant level.

6.0 FINDINGS REGARDING THE REJECTION OF THE PROPOSED PROJECT (MARCH 2010 SDSP) AND THE SELECTION OF ALTERNATIVE 6 (JANUARY 2012 SDSP) FOR IMPLEMENTATION

With regards to the proposed project (March 2010 SDSP), the FEIR has identified a number of significant environmental effects which cannot be feasibly mitigated to a less-than-significant level should the March 2010 SDSP be implemented. The FEIR identified a number of alternatives capable of meeting the project's basic objectives, as amended, and which, if implemented, would result in the avoidance or substantial lessening of those significant environmental impacts. In compliance with CEQA's "substantial mandate," this section sets forth findings regarding the Lead Agency's rejection of both the proposed project (March 2010 SDSP) and other alternatives with the potential to avoid or substantially lessen the proposed project's significant environmental effects and the selection of Alternative 6 (January 2012 SDSP) in lieu thereof.

- 6.1 Environmental Effect: With regards to the proposed project (March 2010 SDSP), the following environmental impacts cannot be mitigated to a less-than-significant level through the imposition of feasible mitigation measures: (1) Construction of the proposed project [March 2010 SDSP] has the potential to violate or add to a violation of air quality standards (Air Quality Impact 7-2); (2) Operation of the proposed project [March 2010 SDSP] has the potential to violate or add to a violation of air quality standards (Air Quality Impact 7.3); (3) The proposed project [March 2010 SDSP], in combination with other related projects, has the potential to result in a cumulatively considerable increase in criteria pollutants (Air Quality Impact 7-6); (4) The project has the potential to generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment (Air Quality Impact 7-8); and (5) The project has the potential to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases (Air Quality Impact 7-9).

Findings: The Council hereby makes Findings (1) and (3).

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

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- (a) CEQA codifies the important Statewide policy of “ensur[ing] that the long-term protection of the environment, consistent with the provision of a decent home and suitable living environment for every Californian, shall be the guiding criterion in public decisions” (Section 21001[d], CEQA). “The foremost principle under CEQA is that the Legislature intended the act ‘to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language” (Laurel Heights Improvement Assn. v. Regents of the University of California [1988]). CEQA contains a “substantive mandate” requiring public agencies to refrain from approving projects with significant environmental effects if “there are feasible alternatives or mitigation measures” that can substantially lessen or avoid those effects (Mountain Lion Foundation v. Fish and Game Commission [1997]).
 - (b) There exist no feasible mitigation measures that would result in the avoidance or substantially reduction of the significant environmental impacts of the proposed project (March 2010 SDSP).
 - (c) A number of alternatives to the proposed project (March 2010 SDSP) were examined in the DEIR. Of those alternatives, with the exception of Alternative 1 (No Project) which is specifically mandated under CEQA, only Alternative 4 (Low-Density Residential) and Alternative 6 (January 2012 SDSP) have the potential to reduce each of those significant environmental impacts to a less-than-significant level. In furtherance of CEQA’s “substantive mandate,” the Lead Agency evaluated the feasibility of implementing each of those three alternatives in lieu of the proposed project (March 2010 SDSP).
- (1) Alternative 1 (No-Project). With regards to Alternative 1 (No-Project), no or only minimal physical changes to the project site would occur, the property would generally remain in its present condition, and no new development activities 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 all or a portion of the City Property to allow for the development of identified Year 2030 street improvements to the Diamond Bar Boulevard/Brea Canyon Road intersection.
 - (A) With regards to the ability of Alternative 1 (No Project) to result in the avoidance or substantial lessening of the significant environmental effects attributable to the proposed project (March 2010 SDSP)
 - (i) Air Quality (Construction). Since no or only minimal infrastructure improvements would occur on the project site, construction-term criteria pollutants would be eliminated or the quantity of those pollutants would be substantially reduced. Because the SCAQMD’s recommended threshold standard would not be exceeded, short-term air quality impacts would be reduced to a less-than-significant level.
 - (ii) Air Quality (Operational). Since no or only minimal infrastructure improvements would occur on the project site and no new land uses would be introduced thereupon, operational criteria pollutants would be eliminated or the

- quantity of those pollutants substantially reduced. Because the SCAQMD's recommended threshold standards would not be exceeded, long-term air quality impacts would be reduced to a less-than-significant level.
- (iii) Air quality (Cumulative). Under Alternative 1 (No Project) no significant construction or operational increase in criteria pollutants would be anticipated since no or only minimal infrastructure improvements would occur on the project site. Under the SCAQMD's recommended methodology, development activities that do not generate significant air quality impacts, including criteria and/or GHG emissions, are also assumed not to generate significant cumulative air quality impacts. Because there would be no significant contribution to the inventory of regional criteria pollutants in the SCAB and none of the SCAQMD's threshold standards would be exceeded, cumulatively significant air quality impacts would be avoided.
 - (iv) Air Quality (GHG Emissions). Since no or only minimal infrastructure improvements would occur on the project site and no new land uses would be introduced thereupon, no or only minimal construction and operational GHG emissions would be produced. Because the SCAQMD's recommended threshold standards would not be exceeded, no significant project-level and cumulative climate change impacts would result therefrom.
 - (v) For those reasons, the Council finds this alternative would result in the avoidance or substantial lessening of the proposed project's (March 2010 SDSP) significant environmental effects.
- (B) With regards to the ability of Alternative 1 (No Project) to accomplish most of the basic objectives of the proposed project (March 2010 SDSP):
- (i) Since no or only minimal infrastructure improvements would occur on the project site, the Lead Agency would not proceed with the preparation and adoption of a specific plan. No site-specific planning document would be prepared encouraging the innovative use of land and the development of a variety of housing and other development types. Alternative 1 (No Project) would not allow for the attainment of Objective 1
 - (ii) Because uncertainty with regards to the allowable use of the "Site D" property would remain, District efforts to promote the disposition of the District Property would be thwarted. Alternative 1 (No Project) would not allow for the attainment of Objective 2R.
 - (iii) Since no or only minimal infrastructure improvements would occur on the project site, the City's desire that the District Property and the City Property be developed in a manner as to ensure compatibility with and to meet the needs of the surrounding area and to ensure an appropriate use and reasonable return to the City would be

- thwarted. Alternative 1 (No Project) would not allow for the attainment of Objective 3R.
- (iv) Absent a specific plan or other planning tool, no site-specific land-use policies allowing for the development of the property and the provision of additional housing opportunities. Alternative 1 (No Project) would not allow for the attainment of Objective 4.
 - (v) Absent a specific plan or other planning tool, no guiding land-use policy mechanism would exist to define the nature/intensity of future development, to establish design/development parameters for the site, or provide reasonable assurance as to the uses that would be authorized and the exactions to be extracted from a site developer. Alternative 1 (No Project) would not allow the attainment of Objective 5.
 - (vi) For those reasons, the Council finds that Alternative 1 (No Project) does not allow for the attainment of the project's basic objectives and, therefore, rejects this alternative.
- (C) With regards to this alternative's economic, environmental, legal, social, or technological feasibility:
- (i) Implementation of Alternative 1 (No Project) would result in the avoidance or substantial lessening of the proposed project's (March 2010 SDSP) significant environmental effects and is, therefore, environmentally feasible.
 - (ii) Other than through public acquisition, the Lead Agency cannot permanently prohibit so level of development of the subject property. As a result, over the long term, retention of the project site as open space, without compensation to the property owner, is neither legally nor socially feasible.
 - (iii) While for the short-term this alternative may be considered technically feasible in that the property could remain in its current condition, in light of the District's desire to obtain revenues from the disposition of the District Property, it is unrealistic to assume that the subject property would remain permanently undeveloped.
 - (iv) Given the site's General Plan and zoning designations, "Site D" is considered appropriate for development. It is, therefore, reasonable to assume that some level of development and economic use of the site would be pursued over the long-term.
 - (v) Alternative 1 (No Project) would ultimately be infeasible in that it could not be accomplished over time because it is logical from an economic perspective that the principal landowner would seek some economic use of the property and, from a political and social perspective, that the City would seek the implementation of its General Plan land-use objectives.
 - (vi) For those reasons, the Council finds that Alternative 1 (No Project) is economically, legally, and socially infeasible.
- (D) Although Alternative 1 (No Project) would result in the avoidance or substantial lessening of the proposed project's (March 2010

SDSP) significant environmental effects, this alternative does not allow for the attainment of the project's basic objectives and is economically, legally, and socially infeasible. The Council, therefore, rejects Alternative 1 (No Project).

- (2) Alternative 4 (Low-Density Residential). With regards to Alternative 4 (Low-Density Residential), the project site would be developed for residential use in accordance with the City's "Low Density Residential" (RL) standards, as outlined in Chapter 22.08 (Residential Zoning Districts) of the Development Code. As indicated therein, the maximum allowable density for new residential subdivisions in the "Low Density Residential" district is three units per gross acre. Based on the estimated net acreage (20.2 net acres), under this alternative, a total of about 60 dwelling units could be constructed on the "Site D" property, primarily on the District Property. Under this alternative, it is assumed that the City Property would be used primarily to allow for the development of a landscaped "entry feature" as a visual gateway to the City and for street improvement purposes.
 - (A) With regards to the ability of Alternative 4 (Low-Density Residential) to result in the avoidance or substantial lessening of the significant environmental effects attributable to the proposed project (March 2010 SDSP):
 - (i) Air Quality (Construction). Assuming a similar grading plan, based on the CalEEMod emissions modeling performed for Alternative 6 (January 2012 SDSP), with regards to criteria pollutants, it can be reasonably concluded that any residential development of comparable or lesser size/scale developed on the project site and operating under the same general assumptions would produce similar construction-term air quality impacts. As a result, short-term air quality impacts are assumed to be less than significant.
 - (ii) Air Quality (Operational). Under Alternative 4 (Low-Density Residential), the number of projected average daily trips attributable to the proposed project (March 2010 SDSP) would be reduced from about 9,276 to 574 ADT (based on an ITE-generated trip generation rate of 9.57 trip ends per single-family unit). Mobile source emissions would, therefore, be substantially reduced. Based on that reduction, with regards to criteria pollutants, operational air quality impacts would be reduced to a less-than-significant level.
 - (iii) Air quality (Cumulative). Under SCAQMD's recommended methodology, development activities that do not generate significant air quality impacts are also assumed not to generate significant cumulative air quality impacts. Because construction and operational air quality impacts would not exceed SCAQMD's recommended threshold standards, cumulative impacts would not be deemed significant.

- (iv) Air Quality (GHG Emissions). Under Alternative (Low-Density Residential), about 574 daily trip ends would be generated during a typical weekday. Based on the CalEEMod emissions modeling for Alternative 6 (January 2012 SDSP), which generates about 1,182 daily trip ends and which was determined to be less than significant, GHG emissions would be predicted not to exceed the SCAQMD's recommended threshold and the resulting impact, both project-level and cumulatively, would be less than significant.
 - (v) For those reasons, the Council finds that Alternative 4 (Low-Density Residential) would result in the avoidance or substantial lessening of the proposed project's (March 2010 SDSP) significant environmental effects.
- (B) With regards to the ability of Alternative 4 (Low-Density Residential) to accomplish most of the basic objectives of the proposed project (March 2010 SDSP):
- (i) Although the project could be advanced through the preparation of a tentative map and may not predicate the need for a specific plan, the Lead Agency could, at its discretion, prepare and adopt a specific plan for this residential use. If prepared, that planning document could be drafted so as to encourage the innovative use of land and the development of a variety of housing types. Alternative 4 (Low-Density Residential) would allow for the attainment of Objective 1
 - (ii) Because uncertainty with regards to the allowable use of the "Site D" property would not remain, District efforts to promote the disposition of the District Property would be facilitated. With regards to the attainment of a "reasonable return to the District for the benefit of its constituents and its educational mission," Alternative 4 (Low-Density Residential) would allow for the attainment or partial attainment of Objective 2R but likely to a lesser degree than Alternative 6 (January 2012 SDSP).
 - (iii) Development activities would likely occur in a single phase and would require the integration of both the District Property and the City Property. Because it would be used primarily to accommodate both an "entry feature" and street improvements and because the "Site D" property would be developed for residential and recreational use, the City Property would be developed in a manner as to ensure compatibility with and to meet the needs of the surrounding area and ensure an appropriate land use. Alternative 4 (Low-Density Residential) would allow for the attainment of a portion of Objective 3R.
 - (iv) Under the provisions of the MOU, the City and the District have formulated a revenue sharing agreement relative to the disposition of the "Site D" property. Because the approval of Alternative 4 (Low-Density Residential) would allow for the effectuation of that agreement and because

the MOU serves to define what, from the City's perspective, constitutes a "reasonable return," Alternative 4 (Low-Density Residential) would allow for the attainment of the remaining portion of Objective 3R but likely to a lesser degree than Alternative 6 (January 2012 SDSP).

- (v) Approval of a tentative map and/or adoption of a specific plan would allow for the imposition of site-specific land-use policies allowing for the development of the property and the provision of additional housing opportunities. Alternative 4 (Low-Density Residential) would allow for the attainment of Objective 4.
 - (vi) Approval of a tentative map and/or adoption of a specific plan would allow for imposition of a guiding land-use policy mechanism defining the nature/intensity of future development, establishing design/development parameters for the project site, and providing reasonable assurance as to the uses that would be authorized and the exactions to be extracted from a site developer. Alternative 4 (Low-Density Residential) would allow the attainment of Objective 5.
 - (vii) For those reasons, the Council finds that Alternative 4 (Low-Density Residential) allows for the attainment of most of the project's basic objectives.
 - (viii) As a result of the City's very limited land inventory, a low-density residential alternative would impede local efforts toward the achievement of adopted RHNA housing goals.
- (C) With regards to this alternative's economic, environmental, legal, social, or technological feasibility:
- (i) Implementation of this alternative would result in the avoidance or substantial lessening of the proposed project's (March 2010 SDSP) significant environmental effects and is, therefore, environmentally feasible.
 - (ii) Implementation of Alternative 4 (Low-Density Residential) is technically feasible in that the project site could be physically developed for this alternative use.
 - (iii) Since a GPA and ZC are required in order to authorize a residential use, the City has some discretion regarding the design/development standards governing that use. Under this alternative, the site would be developed in accordance with the provisions of the "Low Density Residential" (RL) zoning district. As such, this alternative is both legally and socially feasible.
 - (iv) Given the difficulties of developing a project of this size on a property of this complexity, the project must achieve sufficient economies of scale in order to obtain a reasonable rate of return. The existing terrain, geotechnical issues, and the need for improved site access make this a difficult and costly property to develop. Because costs need to be passed along to individual homebuyers, unless designed to cater only to an elite buyer, the substantial reduction in the number of units

authorized under this alternative (60 units) would likely make the financing of landform alterations and the provision of infrastructure improvements infeasible. The resulting costs would limit both the range of housing products that would be developed on the subject property and the number of qualifying buyers.

- (v) The Applicant is required to dedicate real property and finance the cost of developing a new neighborhood park on the project site. The neighborhood park is both a major priority and public benefit for the City, as well as a significant up-front investment by the Applicant.
 - (vi) In recognition of the buyer's need to achieve a reasonable rate of return, in comparison to other alternatives allowing for a higher intensity use, implementation of this alternative would substantially reduce revenue opportunities available to the District.
 - (vii) For those reasons, the Council finds that Alternative 4 (Low-Density Residential) is economically infeasible.
- (D) Although Alternative 4 (Low-Density Residential) would result in the avoidance or substantial lessening of the proposed project's (March 2010 SDSP) significant environmental effects and allows for the attainment of most of the project's basic objectives, this alternative is economically infeasible. The Council, therefore, rejects Alternative 4 (Low-Density Residential).
- (3) Alternative 6 (January 2012 SDSP). With regards to Alternative 6 (January 2012 SDSP), this alternative constitutes a variation of or a revision to the proposed project (March 2010 SDSP), to Alternative 4 (Low-Density Residential), and to Alternative 5 (High-Density Residential). Under this alternative, 200 dwelling units and a new neighborhood park containing not less than two net acres of useable area would be developed on the project site, primarily on the District Property. The precise location, configuration, and amenities to be included in the new neighborhood park would be determined at the time a tentative map is processed for the residential development. Under this alternative, it is assumed that the City Property would be used primarily to allow for the development of an "entry feature" as a visual gateway to the City and for street improvement purposes.
- (A) With regards to the ability of Alternative 6 (January 2012 SDSP) to result in the avoidance or substantial lessening of the significant environmental effects attributable to the proposed project (March 2010 SDSP):
 - (i) Air Quality (Construction). As determined by the CalEEMod emissions model, all projected criteria pollutants generated during the construction of this alternative fall below their respective thresholds and the projected air quality impacts attributable to the construction of the January 2012 SDSP with regards to criteria pollutants is less than significant.
 - (ii) Air Quality (Operational). As determined by the CalEEMod emissions model, all projected criteria pollutants generated during this alternative's operation fall below their respective thresholds and the projected air quality impact of the

- operation of Alternative 6 (January 2012) SDSP with regards to criteria pollutants is less than significant.
- (iii) Air quality (Cumulative). Pursuant to SCAQMD's recommended methodology, projects that do not exceed or can be mitigated to less than the daily threshold values do not add significantly to a cumulative air quality impact. With regards to criteria pollutants, the air quality analysis demonstrates that construction and operational impacts will not exceed the specified threshold standards and will not result in the generation of either significant short-term or long-term air quality impact. Because the project will not contribute significantly to the regional inventory of criteria pollutants, cumulative air quality impacts are less than significant.
 - (iv) Air Quality (GHG Emissions). From a project perspective, with regards to GHG emission, the CalEEMod emissions model indicates that, during construction, CO₂ equivalent (CO₂e) daily values, measured in metric tons (MTCO₂e), are under the recommended annual threshold value and the climate change impacts of Alternative 6 (January 2012 SDSP) are less than significant. Similarly, during the project's operation, CO₂e annual values are under the suggested annual threshold and the climate change impacts attributable to Alternative 6 (January 2012 SDSP) are less than significant. From a cumulative perspective, an impact can also be potentially significant if the project does not comply with the applicable plans necessary for the reduction of greenhouse gases. Projects that generate de minimus quantities of emissions and do not result in a significant impact or can be mitigated to a less-than-significant level would be deemed to be in compliance of State policies with respect to GHG emissions. Since construction and operational emissions are projected to occur below the recommended threshold value, cumulative climate change impacts are less than significant.
- (B) With regards to the ability of Alternative 6 (January 2012 SDSP) to accomplish most of the basic objectives of the proposed project (March 2010 SDSP):
- (i) Specific plan adoption would encourage the innovative use of land and promote the provision of a variety of housing types. Alternative 6 (January 2012 SDSP) would allow for the attainment of Objective 1
 - (ii) Because uncertainty with regards to the allowable use of the "Site D" property would not remain, District efforts to promote the disposition of the District Property would be facilitated. Alternative 6 (January 2012 SDSP) would allow for the attainment of a portion of Objective 2R.
 - (iii) In correspondence to the City, dated December 2, 2010, the District requested that the "Site D" property be developed for "100% residential" use and that the "residential density be reduced" beyond those levels

authorized under the March 2010 SDSP. The Lead Agency interprets the principal property owner's request as a declaration of and evidence supporting the determination that a 200-unit residential development project would provide a "reasonable return to the District." Alternative 6 (January 2012 SDSP) would allow for the attainment of the remaining portion of Objective 2R.

- (iv) Development activities would likely occur in a single phase and would require the integration of both the District Property and the City Property. Because it would be used primarily to accommodate both an "entry feature" and street improvements and because the "Site D" property would be developed for residential and recreational use, the City Property would be developed in a manner as to ensure compatibility with and to meet the needs of the surrounding area and ensure an appropriate land use. Alternative 6 (January 2012 SDSP) would allow for the attainment of a portion of Objective 3R.
 - (v) Under the provisions of the MOU, the City and the District have formulated a revenue sharing agreement relative to the disposition of the "Site D" property. Because the approval of Alternative 6 (January 2012 SDSP) would allow for the effectuation of that agreement and because the MOU serves to define what, from the City's perspective, constitutes a "reasonable return," Alternative 6 (January 2012 SDSP) would allow for the attainment of the remaining portion of Objective 3R.
 - (vi) Adoption of a specific plan would allow for the imposition of site-specific land-use policies allowing for the development of the property and the provision of additional housing opportunities. Alternative 6 (January 2012 SDSP) would allow for the attainment of Objective 4.
 - (vii) Adoption of a specific plan would allow for the imposition of a guiding land-use policy mechanism defining the nature/intensity of future development, establishing design/development parameters for the project site, and providing reasonable assurance as to the uses that would be authorized and the exactions to be extracted from a site developer. Alternative 6 (January 2012 SDSP) would allow the attainment of Objective 5.
 - (viii) For those reasons, the Council finds that Alternative 6 (Site D Specific Plan) allows for the attainment of the project's basic objectives.
- (C) With regards to this alternative's economic, environmental, legal, social, or technological feasibility:
- (i) Implementation of this alternative would result in the avoidance or substantial lessening of the proposed project's (March 2010 SDSP) significant environmental effects and is, therefore, environmentally feasible.

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- (ii) Implementation of Alternative 6 (January 2012 SDSP) is technically feasible in that the project site could be physically developed for this alternative use.
 - (iii) Since a GPA and ZC are required in order to authorize residential development, the City has some discretionary regarding the design/development standards governing that use. Under this alternative, the site would be developed in accordance with the provisions of the adopted specific plan. As such, this alternative is both legally and socially feasible.
 - (iv) In correspondence to the City, dated December 2, 2010, the District requested that the "Site D" property be developed for "100% residential" use and that the "residential density be reduced" beyond those levels authorized under the March 2010 SDSP. The Lead Agency interprets the principal property owner's request as a declaration of and evidence supporting the economic feasibility of a 200-unit residential development project.
 - (v) For those reasons, the Council finds that Alternative 6 (January 2012 SDSP) is economically, environmentally, legally, socially, and technologically feasible.
- (D) Alternative 6 (January 2012 SDSP) would result in the avoidance or substantial lessening of the proposed project's (March 2010 SDSP) significant environmental effects, allows for the attainment of the project's basic objectives, and is economically, legally, socially, and technologically feasible.
- (d) Because the environmental effects of the proposed project (March 2010 SDSP) cannot be mitigated to below a level of significant and because there exists a feasible alternative which avoids or substantially lessens those unmitigable environmental effects and which allows for the attainment of the project's basic objectives, in compliance with CEQA "substantive mandate," the Council selects Alternative 6 (January 2012 SDSP) for implementation over the proposed project (March 2010 SDSP).

7.0 FINDINGS REGARDING THE ENVIRONMENTAL EFFECTS OF ALTERNATIVE 6 (JANUARY 2012 SDSP) THAT CAN FEASIBLY BE REDUCED TO BELOW A LEVEL OF SIGNIFICANCE

With regards to Alternative 6 (January 2012 SDSP), the Council has determined that existing statutes, regulations, uniform codes, project design features, in combination with those conditions, standards, and mitigation measures included in the FEIR and adopted or likely to be adopted by the 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.

Note that, with regards to Alternative 6 (January 2012 SDSP): (1) the environmental effects presented herein are extracted from Table RTC2-3 ("January 2012 'Site D' Specific Plan" - Summary of Environmental Impacts and Level of Significance) in RTC2 and the corresponding analyses presented in the DEIR, RTC1, and RTC2; (2) the conditions and standards are extracted from Table RTC2-2 ("January 2012 'Site D' Specific Plan" - Conditions of Approval/Performance Standards) in RTC2 and the corresponding analyses presented in the

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DEIR, RTC1, and RTC2; and (3) the mitigation measures are extracted from Table RTC2-4 (“January 2012 ‘Site D’ Specific Plan” – Draft Mitigation Reporting and Monitoring Program) in RTC2 and the corresponding analyses presented in the DEIR, RTC1, and RTC2. The Lead Agency acknowledges that a portion of Table RTC2-4 (“January 2012 ‘Site D’ Specific Plan” – Draft Mitigation Reporting and Monitoring Program), as presented in RTC2, is mislabeled “Table ES-4 (‘January 2012 ‘Site D’ Specific Plan’ – Draft Mitigation Reporting and Monitoring Program)” but is nonetheless a part of Table RTC2-4.

7.1 Land Use

7.1.1 Environmental Effect: New residential and public park uses could introduce land use compatibility conflicts between the project and existing single-family residential uses abutting the project site (Land Use Impact 1-1).

Finding: The 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 DEIR and Section 3.3.1 (Land Use) in RTC2 and those analyses are incorporated by reference herein.
- (b) 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.
- (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, building configurations, unit placement, lot sizes and dimensions, and architectural styles between the proposed on-site residential uses and the existing off-site residential uses may vary, both existing and proposed residential uses would be expected to possess similar operational characteristics and use expectations, thus ensuring their compatibility.
- (e) As indicated in Section 22.0-8.030 (Residential Zoning District Land Uses and Permit Requirements) in Title 22 (Development Code) of the Municipal Code, “parks and playgrounds” are identified as permitted uses in all residential zones. As such, the City has, through its local land-use policies, deemed park and park-related uses to be inherently compatible with residential use.
- (f) The proposed residential, recreational, and open spaces uses are compatible with existing and proposed development within the general project area.
- (g) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.1.2 Environmental Effect: The 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 Council hereby makes Finding (1).

[Type text]

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 DEIR and Section 3.3.1 (Land Use) in RTC2 and those analyses are incorporated by reference herein.
- (b) As specified under Section 65454 of the CGC, no specific plan shall be adopted or amended unless the proposed plan or amendment is consistent with the general plan. As further specified under Section 65457(a) therein, any residential development project, including any subdivision, or any zoning change that is undertaken to implement and is consistent with a specific plan for which an EIR has been certified after January 1, 1980 is exempt from the requirements of division 13 (commencing with Section 21000) of the PRC.
- (c) The General Plan includes a broad array of land-use and other policies that relate, either directly or indirectly, to the proposed project. Pursuant to Section 65300.5 of the CGC, “the general plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies.” As an “integrated, internally consistent” document, the Lead Agency’s consistency assessment focused primarily on the Land Use Element of the General Plan. Consistency with the General Plan is demonstrated by the following core policies:
 - (1) Encourage 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). Based on its size and multiple ownership, the proposed mixed use (residential and park) specific plan project represents a unique development opportunity and expands the range of both housing and recreational options within the City.
 - (2) Maintain residential areas which provide for ownership of single family housing and require that new development be compatible with the prevailing character of the surrounding neighborhood (Strategy 1.2.4, Land Use Element). Alternative 6 (January 2012 SDSP) includes “for-sale” residential units at a density reasonably compatible with other proximal residential neighborhoods.
 - (3) Broaden the range of, and encourage innovation in, housing types. Require developments within all residential areas to provide amenities such as common usable, active open space and recreational areas, when possible (Strategy 1.2.6, Land Use Element). Public recreational facilities will be provided on the project site in close proximity to existing/proposed residential areas.
 - (4) Encourage clustering within the most developable portions of project sites to preserve open space and/or other natural resources. Such development should be located to coordinate with long-term plans for active parks, passive (open space) parks, and preserve natural open space areas (Strategy 1.6.4, Land Use Element). In addition to the proposed park area, it is the City’s intent that the on-site slopes and passive open space areas surrounding the proposed development be

- enhanced by planting indigenous materials to blend the project with the existing surrounding vegetation.
- (5) Provide opportunities for development of suitable housing to meet the diverse needs of existing and future residents (Goal 2, Housing Element). Under Alternative 6 (January 2012 SDSP), 200 dwelling units would be constructed on the project site.
 - (6) Require that dwelling units and structures within hillside areas be sited in such a manner as to utilize ridgelines and landscape plant materials as a backdrop for the structures and the structures themselves to provide maximum concealment of cut slopes (Strategy 1.1.2, Resource Management Element). The existing site is a gently sloping plateau tending to the north with the grade flattening out at the intersections of Brea Canyon and Diamond Bar Boulevard. It is the City's intent that the project will emulate the existing site conditions in so far as the upper levels will be maintained high and the slopes that transcend from south to north will be steepened to a 2:1 ratio to maximize the amount of usable area for the site. The project is envisioned to have large slopes between the southern edge and the adjoining residents. Vegetated slopes allow for a back drop of landscape material to screen the manufactured slopes and act as an aesthetic backdrop.
 - (7) Within new residential developments, encourage organizations of individual neighborhoods and discourage through traffic on local streets while maintaining pedestrian and bicycle continuity and encourage neighborhood parks, improvement programs and social events (Strategy 1.5.3, Public Services and Facilities). A neighborhood park is included as a project component. Although implementation could impact a segment of a Class II bicycle lane along Diamond Bar Boulevard, the project is conditioned to ensure bicycle continuity, both during construction and following commencement of the project's operations.
- (d) 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) of the Development Code, a total of 524 dwelling units could be developed on the site. The 200 dwelling units authorized under Alternative 6 (January 2012 SDSP) are substantially less than otherwise allowable under the City's Hillside Management Ordinance.
 - (e) Although a GPA and 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 project would be deemed consistent with the General Plan.
 - (f) In order for the County to provide water and sewer service to the project area, the project must be found to be consistent with SCAG's 2008 "Regional Comprehensive Plan – Helping Communities Achieve a Sustainable Future" (SCAG, October 2, 2008) (2008 RCP). Consistency with the 2008 RCP is demonstrated by the following core policies:
 - (1) Local government should provide for new housing consistent with State Housing Element law, to accommodate their share of forecast regional growth (LU-1, Land Use and Housing Action Plan). Alternative 6 (January 2012 SD SP) will allow for the development of 200 dwelling units which will facilitate Citywide planning efforts to accommodate the City's share of the forecasted regional growth forecast.

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- (2) Local governments should encourage patterns of urban development and land use, which reduce costs on infrastructure and make better use of existing facilities (OSC-8, Open Space and Habitat – Community Open Space Action Plan). Alternative 6 (January 2012) SDSP encourages efficient patterns of urban development and land use by clustering housing and retaining peripheral open space.
- (3) Developers should incorporate and local governments should include land use principles, such as green building, that use resources efficiently, eliminate pollution and significantly reduce waste into their projects, zoning codes and other implementation mechanisms (OSC-11, Open Space and Habitat – Community Open Space Action Plan). Alternative 6 (January 2012 SDSP) incorporates land-use principles, such as green building strategies, that encourage energy conservation.
- (4) Local governments should include energy analyses in environmental documentation and general plans with the goal of conserving energy through the wise and efficient use of energy. For any identified energy impact, appropriate mitigation measures should be developed and monitored. SCAG recommends the use of Appendix E, Energy Conservation, of the California Environmental Quality Act (EN-6, Energy Action Plan). An energy impact and GHG emissions analysis was conducted as part of the project's CEQA documentation. Alternative 6 (The January 2012 SDSP) incorporates land use principles, such as green building strategies, that encourage energy conservation.
- (5) Local governments should practice and promote sustainable building practices by: [1] Updating their general plans and/or zoning ordinances to promote the use of green building practices, which include incorporating LEED design standards and utilizing energy efficient, recycled-content and locally harvested or procured materials (AQ-8.1). [2] Developing incentive programs (e.g., density bonuses) to encourage green building and resources and energy conservation in development practices (AQ 8-2). [3] Adopting policies that strive for carbon neutrality for their own facilities and operations (AQ-8.3) (AQ-8, Air Quality Action Plan). Alternative 6 (January 2012 SDSP) incorporates land-use principles, such as green building strategies, that encourage energy conservation.
- (6) Developers and local governments should integrate green building measures into project design and zoning including, but not limited to, those identified in the U.S. Green Building Council's Leadership in Energy and Environmental Design, Energy Star Homes, Green Point Rated Homes, and the California Green Builder Program. Construction reduction measures to be explored for new and remodeled buildings include: [1] Reuse and minimization of construction and demolition (C&D) debris and diversion of C&D waste from landfills to recycling facilities. [2] An ordinance that requires the inclusion of a waste management plan that promotes maximum C&D diversion. [3] Source reduction through (1) use of building materials that are more durable and easier to repair and maintain, (2) design to generate less scrap material through dimensional planning (SW-14, Solid Waste Action Plan). Alternative 6 (January 2012 SDSP) incorporates land use principles, such as green building strategies, that facilitate energy and water conservation and waste reduction.

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- (g) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition (Condition/Standard 1-2) 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 conditions, standards, and/or mitigation measures are recommended or required.

7.1.3 Environmental Effect: Project implementation requires a General Plan amendment, 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 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 DEIR and Section 3.3.1 (Land Use) in RTC2 and those analyses are 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 it 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.

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- (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 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 site would be anticipated to occur and no environmental impacts would, therefore, result therefrom.
- (f) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.1.4 Environmental Effect: Cumulative residential development within the City and the population increase associated with the introduction of new dwelling units could exceed the 2010-2015 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 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 DEIR and Section 3.3.1 (Land Use) in RTC2 and those analyses are incorporated by reference herein.
- (b) On December 20, 2011, SCAG released the “2012-2035 Regional Transportation Plan/Sustainable Communities Strategy” (RTP/SCS). On December 30, 2011, SCAG subsequently released the “Draft Program Environmental Impact Report – 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy, SCH No. 2011051018” for public review and comment. The formal comment period for those documents concludes on February 14, 2012. Since the RTP/SCS has not been adopted and its accompanying program EIR has not been certified, information from those documents was not cited in the FEIR.
- (c) Implementation of the project in combination with 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.
- (d) Anticipated residential development in the City exceeds the population growth estimates formulated by SCAG. SCAG’s projections are used as the basis for

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establishing regional transportation plans. By under-estimating local demands, regional plans may be less effective in responding to transportation needs.

- (e) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition (Condition/Standard 1-2) designed to provide notification to SCAG of projected growth within the City, so as to allow SCAG to more effectively update regional plans.
- (f) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.2 Population and Housing

- 7.2.1 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 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 DEIR and Section 3.3.2 (Population and Housing) in RTC2 and those analyses are incorporated by reference herein.
- (b) During construction, an estimated 72 construction workers would be associated with the project's 200 dwelling units.
- (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 conditions, standards, and/or mitigation measures are recommended or required.

- 7.2.2 Environmental Effect: Project implementation will result in the addition of 200 dwelling units to the City's existing housing stock and will increase the City's population by approximately 656 individuals, based on the California Department of Finance's January 2008 Citywide average household size (3.335 persons/unit) and vacancy rate (1.71 percent) (Population and Housing Impact 2-2).

Finding: The 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 DEIR and Section 3.3.2 (Population and Housing) in RTC2 and those analyses are 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) Based on the California Department of Finance's January 2008 Citywide average household size (3.335 persons/unit) and vacancy rate (1.71 percent), a total of 656 individuals would be added to the City's population. The project represents an increase in the City's population and housing inventory of about 1.1 percent.

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- (d) Total number of dwelling units now proposed (200) is less than the adopted SCAG 2008-2014 RHNA for new construction for “above moderate” income households (440) and only slightly more than identified new construction need for “moderate” income households (188). The project represents about 18.3 percent of the projected housing needs (1,090) for the period 2008-2014. Since the projected increase appears generally consistent with regional projections, the project will further the attainment of SCAG’s regional housing needs assessment.
- (e) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.2.3 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 2-3).

Finding: The 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 DEIR and Section 3.3.2 (Population and Housing) in RTC2 and those analyses are 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) Because few projects are of a sufficient size and scale to include both housing and non-housing and employment-generating components, attainment of a jobs-housing balance cannot be examined from the perspective of an individual development project but must be examined from a broader regional and subregional perspective.
- (d) As indicated in the 2008 RCP, SCAG’s goal is to successfully integrate land and transportation planning and achieve land use and housing sustainability by implementing the “Compass Blueprint 2% Strategy” by: (1) focusing growth in existing and emerging centers and along major transportation corridors; (2) creating significant areas of mixed-use development and walkable, “people-scaled” communities; and (3) targeting growth in housing, employment, and commercial development within walking distance of existing and planned transit stations. SCAG’s desired land-use outcomes include, but are not limited to: (1) significantly increasing the number of general plans consistent with the Compass Blueprint principles by 2012; (2) significantly increasing the number and percentage of new housing units and jobs created within the Compass Blueprint “2% Strategy Opportunity Areas” (SOA) by 2012 and improving the regional jobs-housing balance; and (3) adding one new housing unit for every three persons in population growth and one new housing unit for every 1.5 full-time equivalent jobs, whichever is greater. “Site D” is not located within a SOA and is not within close proximity to an existing or planned transit station. As such, from a regional planning perspective, the site does not appear to be a strong candidate for employment-oriented development.
- (e) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

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7.3 Geotechnical Hazards

- 7.3.1 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 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 DEIR and Section 3.3.3 (Geotechnical Hazards) in RTC2 and those analyses are incorporated by reference herein.
- (b) Information and analysis concerning the existing geologic, geotechnical, seismic, and soils setting, including specific design/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) With regards to Alternative 6 (January 2012 SDSP), in the absence of a conceptual grading plan, alternative-specific geotechnical investigation, and concurrent processing of a tentative map, for the purpose of CEQA compliance, it is assumed that the acreage of site disturbance, the quantity of on-site grading operations, the location of cut-and-fill slopes, and the location and size of retaining walls would be similar to that associated with the proposed project (March 2010 SDSP). Similarly, with regards to Alternative 6 (January 2012 SDSP), the Lead Agency has assumed that the DEIR's assessment of geotechnical hazards and feasibility would remain generally applicable to a lesser-scale development. The level of geotechnical hazards is, therefore, assumed to be no greater than that assumed for the March 2010 SDSP.
- (d) It is reasonable to assume that the required grading will be less than represented in the DEIR since the commercial use included in the proposed project (March 2010 SDSP) has been eliminated. Under the proposed project (March 2010 SDSP), the southwesterly portion of the project site was extensively graded to lower the elevation of the commercial pad in order to enhance the visibility of the previously proposed commercial use from abutting streets. Although the January 2012 SDSP continues to illustrate a number of "super pads" upon which development would occur, the need for or perceived benefit in enhanced street-scale visibility no longer exists.
- (e) Based on those assumptions, the project appears feasible from a geotechnical perspective provided that the recommendations presented in the geotechnical investigations are incorporated into the project's design and construction.
- (f) Design/development activities will occur in conformance with applicable Uniform Building Code (Title 24, Part 2, CCR) standards and requirements.
- (g) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of conditions (Condition/Standards 1-1, 3-1, and 3-2) to ensure that each of the recommendations presented in the project's geotechnical investigations are incorporated into the project's design, development, and operation.

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

7.3.2 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 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 DEIR and Section 3.3.3. (Geotechnical Hazards) in RTC2 and those analyses are incorporated by reference herein.
- (b) Information and analysis concerning the existing geologic, geotechnical, seismic, and soils setting, including specific design/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 project appears 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.
- (d) Design/development activities will occur in conformance with applicable Uniform Building Code (Title 24, Part 2, CCR) standards and requirements.
- (e) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of conditions (Conditions/Standards 1-1, 3-1, and 3-2) to ensure that each of the recommendations presented in the project's geotechnical investigations are incorporated into the project's design, development, and operation.
- (f) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.3.3 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 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 DEIR and Section 3.3.3 (Geotechnical Hazards) in RTC2 and those analyses are 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.

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- (c) Compliance with applicable Uniform Building Code (Title 24, Part 2, CCR) 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 additional conditions, standards, and/or mitigation measures are recommended or required.

7.4 Hydrology and Water Quality

- 7.4.1 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 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 DEIR and Section 3.3.4 (Hydrology and Water Quality) in RTC2 and those analyses are incorporated by reference herein.
- (b) Information and analysis concerning the existing hydrologic and water quality setting, including specific design/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) Since no tentative map is being concurrently processed for this alternative, no alternative-specific hydrologic investigation has been performed and no conceptual drainage plan has been submitted. Although the amount of impervious surfaces on the project site would be expected to be less than projected for the proposed project (March 2010 SDSP) as a result of the elimination of on-site commercial uses, in the absence of a conceptual drainage plan and precise plan of development, with regards to Alternative 6 (January 2012 SDSP), the Lead Agency has assumed that post-project drainage flows, quantities, and qualities remain as generally described in the DEIR for the March 2010 SDSP. The City has further assumed that the DEIR's assessment of hydrology and water quality would remain generally applicable to a lesser-scale development. The level of hydrology and water quality impacts is, therefore, assumed to be no greater than that assumed for the March 2010 SDSP.
- (d) 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), and through the use of 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.

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- (e) 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).
- (f) 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.
- (g) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of conditions (Conditions/Standards 4-1 and 4-3) requiring the City Engineer's approval of both a hydrology study consistent with the Los Angeles County Department of Public Works (LACDPW) "Hydrology/Sedimentation Manual" and applicable LACDPW policies and procedures and SUSMP conforming to the requirements of Section 8.12.1695 of the Municipal Code.
- (h) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.4.2 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 project site (Hydrology and Water Quality Impact 4-2).

Finding: The 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 DEIR and Section 3.3.4 (Hydrology and Water Quality) in RTC2 and those analyses are 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 68.38 cfs of runoff from the western portion of the project site and an existing 33-inch diameter reinforced concrete pipe (RCP) located to the south of the project site currently carries off-site discharge of approximately 83.94 cfs. When combined with existing off-site discharge, the 50-year storm runoff totals 174.80 cfs (Q_{50}) at the Brea Canyon Storm Drain Channel (Figure 4.4-4). 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.

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- (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 (Condition/Standard 4-2) 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/development standards and that post-project drainage flows do not result in any adverse public safety or other impacts, a mitigation measure (MM 4-1) has been included in the FEIR and adopted or are 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.

7.4.3 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 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 DEIR and Section 3.3.4 (Hydrology and Water Quality) in RTC2 and those analyses are incorporated by reference herein.
- (b) Conversion of the project site to an urban use will generate additional urban runoff that would be discharged into Diamond Bar Creek. Project-generated runoff could contribute to cumulative water quality impacts generated by existing and future land uses within the tributary watershed area.
- (c) The 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 conditions (Conditions/Standards 4-1 and 4-3) requiring the City Engineer's approval of both a hydrology study consistent with the Los Angeles County Department of Public Work's (LACDPW) "Hydrology/Sedimentation Manual" and applicable LACDPW policies and procedures and 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 conditions, standards, and/or mitigation measures are recommended or required.

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7.5 Biological Resources

- 7.5.1 Environmental Effect: Construction activities and fuel-modification requirements will result in direct impacts from vegetation removal of about 30.4 acres (Biological Resources Impact 5-1).

Finding: The 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 DEIR and Section 3.3.5 (Biological Resources) in RTC2 and those analyses are 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) In the absence of a conceptual grading plan and precise plan of development, the Lead Agency has assumed that the level of site disturbance is similar to that described in the DEIR for the proposed project (March 2010 SDSP). Based on that site disturbance, with regards to Alternative 6 (January 2012 SDSP), the Lead Agency has assumed that the DEIR's biological resources assessment would remain generally applicable to a lesser-scale development. The level of biological resource impacts is, therefore, assumed to be no greater than the level assumed for the March 2010 SDSP.
- (d) 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).
- (e) 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.
- (f) 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 on-site 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.

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- (g) Although California walnut woodlands and southern willow scrub are associated with United States Army Corps of Engineers (ACOE) and Regional Water Quality Control Board (RWQCB) jurisdictional areas, 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.
- (h) 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.
- (i) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.5.2 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 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 DEIR and Section 3.3.5 (Biological Resources) in RTC2 and those analyses are incorporated by reference herein.
- (b) Project implementation will result in direct impacts to approximately 2,125 linear feet of streambed. A total of about 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 confines of 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.
- (d) In recognition of the presence of jurisdictional waters, a mitigation measure (MM 5-1) has been included in the FEIR and adopted or is likely to be adopted in the MRMP specifying that, unless a greater ratio is required by permitting agencies: (1) the replacement of ACOE/RWQCB jurisdictional waters and wetlands shall occur at a 2:1 ratio; (2) the replacement of CDFG jurisdictional streambed and associated riparian habitat shall occur at a 2:1 ratio. In addition, the measure specifies that design features shall be incorporated into the project's design/development enhancing the site's biological resources. Implementation of that measure will reduce identified impacts to below a level of significance.

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- (e) The Lead Agency has identified a standard condition (Condition/Standard 5-1) requiring that, prior to the issuance of a grading permit, the Applicant provide demonstrate receipt of the following permits: (1) Section 401 (Federal Clean Water Act) water quality certification or waiver of waste discharge requirements from the RWQCB; (2) nationwide Section 404 (Federal Clean Water Act) permit from the ACOE; and (3) Section 1602 (California Fish and Game Code) streambed alteration agreement from the CDFG.
- (f) As mitigated, the identified impact would be reduced to a less-than-significant level and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.5.3 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 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 DEIR and Section 3.3.5 (Biological Resources) in RTC2 and those analyses are 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 project. Each of these species is protected trees under Chapter 22.38 of the Development Code. 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 those protected trees to be preserved.
- (c) The project is subject to compliance with the provision of Chapter 22.38 (Tree Preservation and Protection) of the Development Code.
- (d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of conditions (Conditions/Standards 5-2 through 5-4) requiring the preparation of an arborist-prepared tree study, 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 conditions, standards, and/or mitigation measures are recommended or required.

7.5.4 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 Council hereby makes Findings (1) and (2).

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

[Type text]

- (a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the DEIR and Section 3.3.5 (Biological Resources) in RTC2 and those analyses are 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, while adverse, impacts to these species are less than significant.
- (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 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 CFGC and enforced by the CDFG.
- (e) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition (Condition/Standard 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 conditions, standards, and/or mitigation measures are recommended or required.

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

Finding: The 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 DEIR and Section 3.3.5 in RTC2 and those analyses are 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 additional conditions, standards, and/or mitigation measures are recommended or required.

7.5.6 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 Council hereby makes Finding (1).

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

[Type text]

- (a) Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources) in the DEIR and Section 3.3.5 (Biological Resources) in RTC2 and those analyses are 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 become 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 (Condition/Standard 5-5) requiring that BMP devices be designed in consultation with the GLACVCD and 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 conditions, standards, and/or mitigation measures are recommended or required.

7.5.7 Environmental Effect: Implementation of the 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 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 DEIR and Section 3.3.5 (Biological Resources) in RTC2 and those analyses are incorporated by reference herein.
- (b) Implementation of the project and other reasonably foreseeable future projects will contribute incrementally to the continuing urbanization of the region.
- (c) The 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 are 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 additional conditions, standards, and/or mitigation measures are recommended or required.

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7.6 Transportation and Circulation

- 7.6.1 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 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 (Transportation and Circulation) in the DEIR and Section 3.3.6 (Transportation and Circulation) in RTC2 and those analyses are 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) and “WVUSD Site D, All Residential Alternative, City of Diamond Bar” (Sasaki Transportation Services, January 11, 2012).
- (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 and construction vehicles could stage along 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.
- (e) The exact nature of construction traffic and daily vehicle trips is difficult to predict since the number of workers and the type of equipment will vary with the construction phase and because equipment allocations are generally controlled by and dependent upon the construction contractor. Although construction traffic volumes cannot be determined with certainty, the number of total daily and peak-hour trips associated with worker commutes would be expected to be very small in comparison to existing traffic volumes along affected roadways.
- (f) 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.
- (g) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of conditions (Conditions/Standards 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.

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

7.6.2 Environmental Effect: The project is forecast to generate approximately 1,182 daily two-way vehicle trips, including 90 trips during the AM and 106 trips during the PM peak hours, and would increase traffic congestion on local and regional roadways (Traffic and Circulation Impact 6-2).

Finding: The 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 (Transportation and Circulation) in the DEIR and Section 3.3.6 (Transportation and Circulation) in RTC2 and those analyses are incorporated by reference herein.
- (b) Recent residential development projects, involving small lot subdivisions, have been processed as “condominium projects” (Section 1351[f], California Civic Code). As defined in the Federal Housing Administration’s (FHA) “Condominium Project Approval and Processing Guide” (FHA, June 30, 2011), “site condominiums” are “single family totally detached dwellings (no shared garages or any other attached buildings) encumbered by a declaration of condominium covenants or condominium form of ownership.” Site condominium conform to the description of allowable housing products authorized under the January 2012 SDSP (i.e., “attached and/or detached, owner-occupied single-family product types”).
- (c) Without specifying the resulting housing product, in order to quantify the estimated number of vehicle trip ends associated with the January 2012 SDSP, as a precursor to assigning those trips to the roadway system, “condominium/townhouse” (ITE Code 230) for the residential units and “County park” (ITE Code 412) was utilized for the neighborhood park.
- (d) 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: (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.
- (e) The 200 residential units associated with Alternative 6 (January 2012 SDSP) would generate a total of about 1,172 daily trip ends (TEs), of which 88 (14 In, 74 Out) would occurring during the AM peak hour and 104 (70 In, 34 Out) would occur during the PM peak hour. The two-acre park would generate about 10 daily TEs, including two AM peak-hour TEs and two PM peak-hour TEs. Trip distribution patterns were developed based on the assumptions used for the residential portion of the March 2010 SDSP.

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- (f) As indicated in the traffic analysis, under “existing traffic conditions,” 17 of the 20 study area intersections currently operate at an “acceptable” levels of service (LOS) during both the AM and PM peak hours, while the following three study area intersections have “over capacity” operations during at least one peak hour period: (1) State Route 57 (SR-57) Southbound (SB) Ramps/Brea Canyon Cutoff (AM and PM); (2) Pathfinder Road/Brea Canyon Cutoff (PM); and (3) Brea Canyon Road/Silver Bullet Drive (AM and PM).
- (g) The January 2012 SDSP’s projected trips were then added to the “existing traffic conditions” so that the intersection analyses could be recalculated for “existing-plus-project” traffic conditions. With regards to the January 2012 SDSP, 16 of the 17 study area intersections are operating at “acceptable” levels and three “over capacity” study area intersections maintain their same pre-project LOS conditions. Only the proposed access intersection of Diamond Bar Boulevard/Crooked Creek Drive changes from “acceptable” to “over capacity” operations.
- (h) The northbound (NB) approach at the Diamond Bar Boulevard/Crooked Creek Drive intersection is impacted to LOS “F” with the implementation of Alternative 6 (January 2012 SDSP). Recommended improvements, which would fully mitigate the project’s impacts at the Diamond Bar Boulevard/Crooked Creek Drive intersection, include the installation of a traffic signal and associated roadway improvements and the widening and restriping of the eastbound (EB) approach and departure to accommodate a third through lane and a separate right-turn lane, as well as modification of any needed signing and associated measures. The total estimated cost of those improvements is about \$454,875. Unless an alternative funding agreement or improvement plan was first negotiated with the City, those costs would be borne exclusively by the Applicant prior to the recordation of the final tract map or issuance of any occupancy permits, as determined by the City Engineer, for the resulting residential development.
- (i) Under “existing-plus-project” traffic conditions, one additional intersection (SR-57 SB Ramps/Brea Canyon Cutoff) continues to have “over capacity” operations and is also found to be “significantly” impacted by the project. The intersection is already “over capacity” and the project only represents a portion of the intersection’s improvement needs. Mitigation (in the form of payment of a fair-share contribution) is, therefore, required at this study intersection. For that intersection, the anticipated improvements include the installation of a traffic signal and associated signing and striping modifications, as necessary. The total estimated cost for those improvements is approximately \$228,125.
- (j) Under 2030 cumulative-base (“without project”) conditions, eleven of the study area intersections would operate at “acceptable” service levels. The following nine intersections are, however, projected to be “over capacity” for Year 2030 conditions during the AM or PM peak hour or both: (1) Brea Canyon Road/Pathfinder Road; (2) Diamond Bar Boulevard//Pathfinder Road; (3) Diamond Bar Boulevard/Cold Springs Lane; (4) Pathfinder Road/Brea Canyon Cutoff; (5) SR-57 SB Ramps/Brea Canyon Cutoff; (6) Brea Canyon Road/Diamond Bar Boulevard; (7) Brea Canyon Road/Silver Bullet Drive; (8) Diamond Bar Boulevard/Grand Avenue; and (9) Colima Road/ Fairway Drive/Brea Canyon Cutoff.
- (k) The alternative project’s trips were added to the 2030 cumulative base (“without project”) conditions and the appropriate analytical methodologies applied to the 2030 cumulative-base-plus-project traffic (“Year 2030 + project”) conditions so that the intersection analyses could be recalculated. Of the eleven intersections with “acceptable” operations for Year 2030 “without project” conditions, only the

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Diamond Bar Boulevard/Crooked Creek Drive intersection is impacted to “unacceptable” operations with the addition of the January 2012 SDSP. With the implementation of the proposed improvements, this intersection will have “acceptable” operations. The other nine intersections that were found to be “over capacity” for 2030 “without project” conditions would, remain “over capacity,” although the identified improvements to the SR-57 SB Ramps/Brea Canyon Cutoff intersection would provide “acceptable” operations at that location. With the exception of the Brea Canyon Road/Diamond Bar Boulevard intersection, the project’s impacts at those “over capacity” locations would not be significant.

- (l) Specified improvements to the Brea Canyon Road/Diamond Bar Boulevard intersection, including dedication of additional right-of-way along the property’s frontages, constitute a component of the January 2012 SDSP and an obligation upon the Applicant and are neither identified as a mitigation measure nor as a condition of approval herein. Both the project-related actions and the payment of the Applicant’s fair-share contribution would effectively mitigate the significant impacts at this location.
- (m) In accordance with City’s traffic impact analysis (TIA) requirements, the actual construction of or the Applicant’s payment of a “fair share” contribution toward the construction costs of identified street improvements serves to fully and effectively reduce the project’s transportation and circulation impacts to a less-than-significant level. In addition to the identified project-specific obligations, the Applicant’s fair-share contribution toward areawide improvements is estimated to be \$102,605. Those improvement costs and the Applicant’s associated fair-share contribution toward those costs are intended as current estimates and are subject to change and refinement by the City Engineer following receipt of a formal development application and subsequent design-level engineering studies specifying the precise nature and cost of the outlined improvements.
- (n) To ensure that the Applicant completes, to the satisfaction of the City Engineer, those street and intersection improvements identified in the traffic impact analysis and provides a “fair-share” contribution toward the cost of those improvements identified therein, a mitigation measure (MM 6-1) has been included in the FEIR and adopted or is likely to be adopted in the MRMP identifying the following intersections which are subject to that obligation. In addition, a second mitigation measure (MM 6-2) has been included in the FEIR and adopted or is likely to be adopted in the MRMP 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 to ensure the safe and efficient movement of project-related traffic. Implementation of those measures, including the provision of the identified street improvements and payment of the Applicant’s fair-share contribution, will reduce identified impacts to below a level of significance.

7.6.3 Environmental Effect: The implementation of the 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 Council hereby makes Finding (1).

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

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- (a) Project-related and cumulative traffic and circulation impacts are addressed in Section 4.6 (Transportation and Circulation) in the DEIR and Section 3.36 (Transportation and Circulation) in RTC2 and those analyses are incorporated by reference herein.
- (b) Prior to implementation of any recommended traffic improvements, the following twelve intersections are projected to either operate at an adverse level of service (LOS) in 2030 or for which specific street improvements have been identified: (1) Brea Canyon Road 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; (7) SR-57 NB Ramps at Brea Canyon Cutoff; (8) Brea Canyon Road at Diamond Bar Boulevard; (9) Crooked Creek or 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. A project increment of a significant project impact has been identified at each of those intersections.
- (c) Since twelve intersections are forecast to operate at a adverse LOS under 2030 cumulative-plus-project traffic conditions, a number of mitigation measures (MMs 6-1 and 6-2) have been included in the FEIR and adopted or are likely to be adopted in the MRMP identifying associated street improvements and the project's obligations toward those improvements and specifying that the final site plan 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 those measures, including the provision of the identified street improvements and the Applicant's payment of an appropriate fair-share contribution, will reduce identified impacts to below a level of significance.

7.6.4 Environmental Effect: The project has the potential to conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities (Traffic and Circulation Impact 6-4).

Finding: The Council hereby makes Finding (1).

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

- (a) The General Plan (Circulation Element) identifies a Class II bicycle route along Diamond Bar Boulevard and a Class III bicycle path along Brea Canyon Road. As indicated in the General Plan, a designated Class II bicycle lane exists along Diamond Bar Boulevard and a designated Class III bicycle route exists along Brea Canyon Road.
- (b) Along all or a portion of the site's Diamond Bar Boulevard frontage, identified street improvements may require termination of the existing Class II bicycle lane. To the extent that the loss of that segment was to require that motorists and bicyclist share a single Class III travel route, elimination may increase safety hazards for both motorists and bicyclists. Additionally, by eliminating a segment of a Class II bicycle lane and created a shared roadway, as a result of different travel speeds of the two forms of transportation, traffic flow along that segment could be potentially impeded.

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- (c) Based on the high number of variables, clear and consistent information is lacking with regards to rider safety and the risk-based distinction between Class II bicycle lanes and Class III bicycle routes.
- (d) As indicated in the traffic analysis, identified street improvements may require either the short-term closure or termination of the existing bicycle lane along a segment of Diamond Bar Boulevard (adjacent to the site's frontage). Because the City's "Recreation Trails and Bicycle Route Master Plan" (City Bicycle Master Plan) acknowledges that Class III bicycle routes can be used to "connect discontinuous segments" of Class II bicycle lanes, the short-term and/or long-term conversion of the exiting Class II bicycle lane to a Class III travel route would not conflict with adopted public policy. Similarly, accident statistics do not demonstrate that such action would substantively increase public safety hazards to bicyclists and/or other motorists.
- (e) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of conditions (Conditions/Standards 6-5 through 6-6) requiring that, during the term of any such closure, signage shall be posted and other reasonable actions designed to enhance public safety and the City Engineer's review of street improvement plans for Diamond Bar Boulevard to determine the potential for retention, reconfiguration, and/or reclassification of the existing Class II bicycle lane along the property's frontage.
- (f) Since none of the threshold criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.7 Air Quality

7.7.1 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 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 DEIR and Section 3.3.7 (Air Quality) in RTC2 and those analyses are incorporated by reference herein.
- (b) CEQA requires that projects be consistent with the current "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.

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- (d) Ignoring the potential commercial development opportunities associated with the existing General Plan designations of the City Property, based on the General Plan's existing "Public Facilities" designation of the District Property and the assumptions presented in the DEIR's alternatives analysis (Table 6-2), development under the existing General Plan would likely generate an estimated 2,478 daily vehicle trips during a typical weekday. In comparison, Alternative 6 (January 2012 SDSP) is projected to generate only about 1,182 daily two-way vehicle trips. The project, therefore, represents only about 47.7 percent of the trips that could be generated under build-out in accordance with the existing General Plan. Because vehicles are the primary source of emissions associated with site occupancy and because the January 2012 SDSP results in a substantially lesser number of trip ends than might otherwise be generated under the policies of the General Plan, the alternative project is consistent with the emissions projections that would be expected under the existing General Plan.
- (e) As specified in Section 22.16.030 (Air Emissions) in Chapter 22.16 (General Property Development and Use Standards) in Title 22 (Development Code) of the Municipal Code, the SCAQMD "has established daily and quarterly significance thresholds for construction exhaust emissions, as identified in the California Environmental Quality Act (CEQA) Air Quality Handbook. All land use activities shall be conducted in a manner consistent with the provisions of the South Coast Air Quality Management Plan."
- (f) The most recent comprehensive plan is the 2007 "Air Quality Management Plan" (2007 AQMP), adopted on June 1, 2007. Because Alternative 6 (January 2012 SDSP) would not result in significant localized air quality impacts, it is consistent with the goals of the 2007 AQMP.
- (g) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

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

Finding: The 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 DEIR and Section 3.3.7 (Air Quality) in RTC2 and those analyses are incorporated by reference herein.
- (b) The air quality impact analysis was prepared in accordance with the methodologies provided by the SCAQMD, as included in the SCAQMD's "CEQA Air Quality Handbook" (Handbook) and updates included on the SCAQMD Internet web site. The analysis makes use of the California Emissions Estimator Model (CalEEMod) emissions model (Version 2011.1.1) for determination of daily and yearly construction and operational emissions and guidance included in the SCAQMD's "Final Localized Significance Threshold Methodology." Mobile-source emissions associated with the occupation of the site are based on the traffic-projections provided in "WVUSD Site D, All Residential Alternative, City of Diamond Bar" (Sasaki Engineers, January 11, 2012).
- (c) SCAQMD's Rule 403 governs fugitive dust emissions from construction projects. This rule sets forth a list of control measures that must be undertaken for all

construction projects to ensure that no dust emissions from the project are visible beyond the property boundaries. Adherence to Rule 403 is mandatory and as such, does not denote mitigation under CEQA. The following analysis assumes the use of the minimal measures specified in Rule 403 that overlap between the rule and the URBEMIS model. These include: (1) soil stabilizers shall be applied to all disturbed, inactive areas; (2) ground cover shall be quickly applied in all disturbed areas; (3) the active construction site shall be watered twice daily; (4) stockpiles shall be covered with tarps; and (5) unpaved haul roads shall be watered twice daily. The CalEEMod emissions model assigns a control efficiency of 55 percent for twice daily watering and a similar efficiency was assumed for other controlled dust-producing, heavy equipment activities.

- (d) Based on the findings of CalEEMod emissions model analysis, all construction emission concentrations for reactive organic compounds (ROG), carbon monoxide (CO), nitrogen oxides (NO_x), sulfur dioxide (SO₂), particulate matter less than 10 microns in diameter (PM₁₀), and particulate matter less than 2.5 microns in diameter (PM_{2.5}) are within their respective threshold values and are, therefore, less than significant.
- (e) Although not considered in the CalEEMod emissions model, Section 22.16.030 of the City's Development Code includes specific standards regarding air emissions. As required, those land-use activities that have the potential to create fugitive dust emissions shall be conducted in a manner so as to create as little dust or dirt emission beyond the boundary line of the parcel as possible. Standards applicable to those projects include, but not limited to: (1) Scheduling - Grading activities shall be scheduled to ensure that repeated grading will not be required, and that implementation of the proposed land use will occur as soon as possible after grading; (2) Operations during high winds - Clearing, earth-moving, excavation operations, or grading activities shall cease in high wind conditions when dust blows and control methods are no longer effective; (3) Area of disturbance - The area disturbed by clearing, demolition, earth-moving, excavation operations, or grading shall be the minimum required to implement the allowed use; (4) Dust control - During clearing, demolition, earth-moving, excavation operations, or grading, dust emissions shall be controlled by regular watering, paving of construction roads or other dust-preventive measures (e.g., hydroseeding), subject to the approval of the building official and city engineer; (5) On-site roads - On-site roads shall be paved as soon as feasible, watered periodically with reclaimed water, whenever possible, or stabilized in an environmentally safe manner; (6) Revegetation - Graded areas shall be revegetated as soon as possible in compliance with the approved landscape plan and any conditions of approval; and (7) Fencing - Appropriate fences or other means may be required by the director to contain dust and dirt within the parcel.
- (f) Because CO is the criteria pollutant that is produced in greatest quantities from vehicle combustion and does not readily disperse into the atmosphere, long-term adherence to State and federal ambient air quality standards (AAQS) is typically demonstrated through an analysis of localized CO concentrations. In the past, areas of vehicle congestion had the potential to create "pockets" of CO called "hot spots." However, the South Coast Air Basin (SCAB) is now designated as an "attainment" area of both the State and federal CO standards and no "hot spots" have been reported in the Pomona/Walnut Valley Source Receptor Area (SRA 10) in more than five years. CO is no longer a localized pollutant of concern near roadways.

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- (g) Mandatory adherence to the SCAQMD rules would ensure that any construction impacts from TAC associated with the project remain less than significant.
- (h) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.7.3 Environmental Effect: Operation of the project has the potential to violate or add to a violation of air quality standards (Air Quality Impact 7-3).

Finding: The 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 DEIR and Section 3.3.7 (Air Quality) in RTC2 and those analyses are incorporated by reference herein.
- (b) The major source of long-term air quality impacts for criteria pollutants is that associated with the emissions produced from project-generated vehicle trips. With regards to mobile source emissions, at completion, Alternative 6 (January 2012 SDSP) is estimated to produce about 1,182 ADT.
- (c) Emissions associated with project-related trips are based on the CalEEMod emissions model and assume occupancy in 2015. Since emissions per vehicle are reduced each year due to tightening emissions restrictions and the replacement of older vehicles, the use of 2015 emission factors presents a worst-case analysis with regards to operational air quality impacts.
- (d) With regards to stationary source emissions, residents would produce emissions from on-site sources, including the combustion of natural gas for fireplaces and space and water heating. Landscaping would be maintained, thus requiring the use of gardening equipment and its attendant emissions. Additionally, the structures would be maintained and this requires repainting over time, thus resulting in the release of additional VOC emissions.
- (d) Based on the findings of CalEEMod emissions model analysis, all operational emission concentrations for ROG, CO, NO_x, SO₂, PM₁₀, and PM_{2.5} are within their respective threshold values and are, therefore, less than significant.
- (e) Mandatory adherence to the SCAQMD rules would ensure that any operational impacts from TAC associated with the project remain 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 additional conditions, standards, and/or mitigation measures are recommended or required.

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

Finding: The 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 DEIR and Section 3.3.7 (Air Quality) in RTC2 and those analyses are incorporated by reference herein.

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- (b) As included in SCAQMD's "Final Localized Significance Threshold Methodology" (June 2003) (LST), the SCAQMD has developed screening tables for the construction of projects up to five acres in size. The emissions values included in the screening tables are based on the emissions produced at the site and do not include mobile source emissions spread over a much larger area. The project encompasses an area of about 30.4 acres and is larger than the examples included within the LST; however, because emissions are spread over a larger area, there is more area for emissions to dissipate before making their way off the site. If daily emissions do not exceed those for a 5-acre site, then off-site concentrations for the 30.4-acre site would be less than significant.
- (c) Screening level allowable emissions are then calculated from the "mass-rate look-up tables" included in the LST (Appendix C). The highest level of on-site CO and NOx emissions are produced during site grading and the emissions model assumes that the effort requires two excavators (0.5 acre each), one grader (0.5 acre), one dozer (0.5 acre), two scrapers (1.0 acre each), and two tractors (0.5 acre each) to this task, totaling 5.0 acres per day. PM₁₀ and PM_{2.5} peak during site preparation and the emissions model assigns three dozers (0.5 acre each) and four tractors (0.5 acre each) to this task totaling 3.5 acres per day. Based on the SCAQMD's "Fact Sheet for Applying CalEEMod to Localized Significance Thresholds," the area of disturbance for grading is to be based on 5.0 acres while that for site preparation is to be based on 3.5 acres. In accordance with the LST, the allowable level for sites that are between 2.0 and 5.0 acres may be extrapolated from those acreages. In this case, 3.5 acres is half-way between 2.0 and 5.0 acres and the allowable levels would also be half-way between the presented levels for projects of those sizes.
- (d) For projects of 5.0 acres in size located in SRA 10 with sensitive receptors located at distances of 25 meters, the most proximate distance to be used in localized analyses, on-site emissions would not create significant localized emissions impacts if CO and NOx levels do not exceed 1,566.0 and 488.0 pounds per day, respectively. PM₁₀, and PM_{2.5} levels would not create a localized impact if daily levels do not exceed 9.0 and 5.5 pounds per day, respectively, for a 3.5-acre site. Peak day, on-site CO, NOx, PM₁₀, and PM_{2.5} levels are projected at 52.85, 97.47, 7.59, and 5.94 pounds per day, respectively. PM_{2.5} emissions are projected to exceed the 5.5 pounds per day threshold value, resulting in a potentially significant impact.
- (e) The CalEEMod model indicates that twice daily site watering results in a control efficiency of 55 percent. Three times daily watering during site preparation would increase this efficiency to no less than 61 percent, as projected by the emissions model. The PM_{2.5} emissions associated with fugitive dust would, therefore, be reduced from 2.01 to 1.51 pounds per day. When combined with the exhaust emissions, PM_{2.5} then totals 5.44 pounds per day. This value is under the SCAQMD's recommended threshold of significance.
- (f) Unlike construction equipment that generates exhaust and dust in a set area, the primary source of operational emissions is the addition of vehicles on the roadway system. These emissions are then spread over a vast area and do not result in localized concentrations in proximity to the site. As such, localized modeling for a project's operations is not typically prepared for residential, limited commercial, or light industrial uses that do not include a truck terminal. No localized operational impacts would, therefore, be projected.
- (g) At the broader scale, CO is the criteria pollutant that is produced in greatest quantities from vehicle combustion and in the past was typically used to

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demonstrate the potential for localized operational impacts. However, the SCAB has now been designated as an “attainment” area of both the State and federal CO standards and no “hot spots” have been reported in SRA 10 in more than five years. CO is no longer a localized pollutant of concern near roadways and, as such, this analysis is no longer required.

- (h) CO “hot spot” modeling conducted for the proposed project (March 2010 SDSP), which included both commercial and residential components, generating more peak-hour traffic than the January 2012 SDSP, and modeled using higher emitting (older) vehicles, did not result in any localized CO impacts.
- (h) Since PM_{2.5} emissions are projected to exceed the SCAQMD’s recommended threshold standard, a mitigation measure (MM 7-1) has been included in the FEIR and adopted or is likely to be adopted in the MRMP requiring that site watering be conducted a minimum of three times daily during site preparation activities. Implementation of that measure will reduce identified impacts to below a level of significance.

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

Finding: The 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 DEIR and Section 3.3.7 (Air Quality) in RTC2 and these analyses are 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, 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 additional conditions, standards, and/or mitigation measures are recommended or required.

7.7.6 Environmental Effect: The 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).

Finding: The 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 DEIR and Section 3.3.7 (Air Quality) in RTC2 and these analyses are incorporated by reference herein.

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- (b) Pursuant to SCAQMD's recommended methodology, projects that do not exceed or can be mitigated to less than the daily threshold values do not add significantly to a cumulative air quality impact. With regards to criteria pollutants, the air quality analysis demonstrates that construction and operational impacts, as mitigated, will not exceed the specified threshold standards and will not result in the generation of either significant short-term or long-term air quality impact. Because the project will not contribute significantly to regional air emissions, cumulative air quality impacts are less than significant.
- (c) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.7.7 Environmental Effect: The project has the potential to generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment (Air Quality Impact 7-7).

Finding: The 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 DEIR and Section 3.3.7 (Air Quality) in RTC2 and these analyses are incorporated by reference herein.
- (b) As indicated in the "Minutes of the GHG CEQA Significance Threshold Stakeholders Working Group #5" (SCAQMD, September 28, 2010), "on December 5, 2008, the SCAQMD Governing Board adopted a numerical GHG significance threshold of 10,000 MTCO₂e/year [metric tons CO₂ equivalent/year] for industrial projects where the SCAQMD is the lead agency. [SCAQMD] Staff is now proposing to extend the industrial GHG significance threshold for use by all lead agencies. Similarly, with regards to numerical residential/commercial GHG significance thresholds, at the 11/19/2009 stakeholder working group meeting staff presented two options that lead agencies could choose; option #1 – separate numerical thresholds for residential projects (3,500 MTCO₂e/year), commercial projects (1,400 MTCO₂e/year), and mixed use projects (3,000 MTCO₂e/year) and option #2 – a single numerical threshold for all non-industrial projects of 3,000 MTCO₂e/year. If a lead agency chooses one option, it must consistently use that same option for all projects where it is lead agency. The current staff proposal is to recommend the use of option #2, but allow lead agencies to choose option #1 if they prefer that approach."
- (c) Note that, in the above excerpt, the "2" (in "MTCO₂e/year") is as it is extracted from the referenced SCAQMD document rather than presented as subscript (as in "MTCO₂e/year"), as it appears in the FEIR. The two notations are intended to both refer to metric tons of carbon dioxide equivalent per year.
- (d) In selecting the identified threshold of significance criteria for GHG emissions for the project, the Lead Agency is neither making a determination that the selected criteria will be universally applied to all projects located within the City's jurisdiction in which it serves as "lead agency" under CEQA nor that an alternative criteria may not be selected in the future based on information then available to the Lead Agency. With regards to GHG emissions, for the purpose of this EIR and these specified entitlements, a threshold of 3,000 MTCO₂e will be applied to this project and to these entitlements.

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- (e) The CalEEMod emissions model indicates that construction could generate approximately 684.02 MTCO₂e per year in 2013, 752.67 MTCO₂e per year in 2014, and 193.95 MTCO₂e per year in 2015. All of these values are well under the suggested annual threshold of 3,000 MTCO₂e and the impact of GHG emissions on climate change is less than significant.
- (f) As indicated in the January 2012 SDSP, a fundamental strategy for this project is to create a “green” and sustainable community. In general, “green” building design entails the implementation of the following related community goals: energy efficiency, healthy indoor air quality, waste reduction, water efficiency, and reduced environmental impacts. To this end, the City will require that the project be reviewed by a third-party consultant to determine if the development meets the certification requirements of Leadership in Energy and Environmental Design (LEED) or an equivalent program be attained by the project.
- (g) During the project's operational life, the majority of GHG emissions, specifically CO₂, are due to vehicle travel and energy consumption. It is projected that all emission sources, including mobile, area source, energy, waste, and water conveyance, generate approximately 3,185.21 MTCO₂e (unmitigated) on an annual basis. The resulting operational impact exceeds the suggested annual threshold of 3,000 MTCO₂e per year and the impact is considered significant; however, once the project's proposed energy and water conservation measures are included and the CalEEMod emissions model rerun, for all sources, estimated operational GHG emissions are reduced to about 2,959.59 MTCO₂e (mitigated) per year. This value is under the suggested annual threshold of 3,000 MTCO₂e and the impact of GHG emissions on climate change is less than significant. In this context, “mitigated” refers to those measures already included in the project description.
- (h) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.7.8 Environmental Effect: The project has the potential to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases (Air Quality Impact 7-8).

Finding: The 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 DEIR and Section 3.3.7 (Air Quality) in RTC2 and these analyses are incorporated by reference herein.
- (b) Projects that generate de minimus quantities of emissions (i.e., less than 3,000 MTCO₂e per year) and do not result in a significant impact or can be mitigated to a less-than-significant level would be deemed to be in compliance of State policies with respect to GHG emissions.
- (c) As indicated in the CalEEMod emissions model, the worst-case construction year is estimated to generate about 752.67 MTCO₂e. This value is below the 3,000-MTCO₂e threshold value and the cumulative impact to climate change is less than significant. As such, the project's construction would not conflict with existing plans and policies.

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- (d) The project would be LEED-certified and follow “green” techniques as required by the City and outlined in the January 2012 SDSP. Using these techniques, based on the CalEEMod emissions model, the project represents an increase of 2,959.60 MTCO₂e on an annual basis and is less than the 3,000 MTCO₂e annual threshold suggested by the SCAQMD. As such, the operational impact of the project on climate change is less than significant.
- (e) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.8 Noise

- 7.8.1 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 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 DEIR and Section 3.3.8 (Noise) in RTC2 and those analyses are 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 under the provisions of the Development Code. Pursuant to Section 22.28.080(b) in Chapter 22.28 (Noise Control) therein, no person shall operate or cause to be operated a source of sound location within the City or allow the creation of a noise on property owned, leased, occupied, or otherwise controlled by a person that causes the noise level, when measured on any other property, to exceed specified noise standards. Although the Development Code limits the hours of heavy equipment operations, construction noise will 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 (MMs 8-1 through 8-6) have been included in the FEIR and adopted or are likely to be adopted in the MRMP designed to reduce short-term noise impacts to the extent feasible. Implementation of the recommended mitigation measures would reduce construction noise impacts to a less-than-significant level.
- 7.8.2 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 Council hereby makes Finding (1).

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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 DEIR and Section 3.3.8 (Noise) in RTC2 and those analyses are incorporated by reference herein.
- (b) Section 22.28.120 of the Development Code sets a goal level of 50 dBA and 55 dBA for mobile-source noise intrusion on sensitive single-family and multi-family residential land uses, respectively. 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.
- (c) As indicated in the acoustical analysis, 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 dwelling units within that distance could result in the exposure of future "Site D" residents to excessive noise levels, thus resulting in a significant operational impact.
- (d) The normally acceptable exterior 55 dBA CNEL for multi-family residential development is calculated at a distance of 3,864 feet from the SR-57 Freeway and would encompass the entire project site. 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) Building constructed in compliance with Title 24 (California Building Code) standards typically provides 20 dBA of attenuation with the windows closed.
- (f) The Lead Agency has identified a standard condition (Condition/Standard 8-1) requiring forced air ventilation designed and installed in accordance with Title 24 standards, thus allowing site occupants to leave windows closed and reducing interior levels by in excess of 20 dBA.
- (g) Based on the potential presence of significant noise impacts, a number of mitigation measures (MMs 8-7 and 8-8) have been included in the FEIR and adopted or are 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 and within 130 feet of the centerline of Diamond Bar Boulevard unless additional sound attention is provided to the satisfaction of the Community Development Director. Implementation of the recommended mitigation measures would reduce operational noise impacts to a less-than-significant level.

7.8.3 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 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 DEIR and Section 3.3.8 (Noise) in RTC2 and those analyses are incorporated by reference herein.
- (b) As traffic volumes in the general project area increase, those areas located in proximity to the arterial highway system will experience increased traffic noise.
- (c) The TIA conducted for the proposed project (March 2010 SDSP) concluded that the implementation of that specific plan would add 9,276 ADT to the roadway

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network. Modeling indicates that the noise increase attributable to the introduction those trips along all access roads would not exceed 0.7 dBA CNEL. The March 2010 SDSP's contribution to ambient noise levels was determined to be less than significant. In contrast, Alternative 6 (January 2012 SDSP) adds only 1,182 daily trip ends to area roadways. Since 9,276 trips were found to be less than significant, a similar conclusion could be reached with regards to 1,182 trips.

- (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, therefore, serve as a partial sound wall reducing traffic noise at other 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) Residential uses typically generate noise, including both noise associated with vehicle operation and with other day-to-day activities. Existing sensitive receptors located adjacent to the "Site D" property may, therefore, experience an increase in noise generated from the project site. Since residential uses are deemed to be compatible with other adjacent residential uses, any resulting noise increase would be less than significant.
- (f) All City parks are open daily. Hours of operation are generally limited to one-half hour before sunrise until one-half hour after sunset. Although low-intensity security lighting will be incorporated into the facility's design, park amenities are not anticipated to include any pole-mounted, high-intensity sports lighting that would allow for organized sporting activities to extend into evening hours.
- (g) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.8.4 Environmental Effect: Short-term construction and long-term operational noise associated with the 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 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 DEIR and Section 3.3.8 (Noise) in RTC2 and those analyses are 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 arterial highway system will experience increased traffic noise. Existing roadway volumes would, however, need to double in order to produce a perceptible noise increase.

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- (d) Large-scale projects that contribute substantially to traffic volumes along the 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. Beyond those requirements imposed by each agency's noise ordinance, land-use entities have the ability to impose additional conditions, performance standards, and mitigation measures 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 additional conditions, standards, and/or mitigation measures are recommended or required.

7.9 Public Services and Facilities

7.9.1 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 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 DEIR and Section 3.3.9 (Public Services and Facilities) in RTC2 and those analyses are 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. With the introduction of construction workers, equipment, and construction material, an increased demand for police service will occur during the construction phases.
- (c) Increased police surveillance during construction, including enforcement of traffic laws, would not require construction of any new Los Angeles County Sheriff's Department (LACSD) and/or California Highway Patrol (CHP) facilities or necessitate the physical alteration of any existing law enforcement facilities.
- (d) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of conditions (Conditions/Standards 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.
- (e) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.9.2 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).

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Finding: The 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 DEIR and Section 3.3.9 (Public Services and Facilities) in RTC2 and those analyses are incorporated by reference herein.
- (b) The 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 conditions (Conditions/Standards 9-3 through 9-5) requiring the Los Angeles County Fire Department’s (LACFD) approval of: (1) a fire protection program and workplace standards for fire safety; (2) a fuel modification, landscape, and irrigation plan; (3) water improvement plans; and (4) associated building plans and configuration of the residential development and neighborhood park.
- (e) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.9.3 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 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 DEIR and Section 3.3.9 (Public Services and Facilities) in RTC2 and those analyses are incorporated by reference herein.
- (b) The existing regional workforce is sufficient to accommodate the labor-based requirements to construct the project. Since no substantial increase in the number of new households within the general project area would be anticipated, no direct construction-related impacts on WVUSD facilities have been identified.
- (c) Construction traffic accessing the site via Cold Springs Road will cross Castle Rock Road in the vicinity of Castle Rock Elementary School.
- (d) 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

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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 conditions (Conditions/Standards 6-2, 6-3, 6-4, and 9-6) restricting construction traffic along Castle Rock Road and Pasado Drive, requiring: (1) preparation of a construction traffic safety plan; (2) preparation of a traffic control plan; and (3) 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 conditions, standards, and/or mitigation measures are recommended or required.

7.9.4 Environmental Effect: With a resident population of approximately 656 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 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 DEIR and Section 3.3.9 (Public Services and Facilities) in RTC2 and those analyses are incorporated by reference herein.
- (b) The LACSD's actual police protection personnel needs will be determined over time, based on that department's experience with the project's residential and site users, 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 of new and/or the replacement of existing equipment, and the hiring of new sworn and non-sworn personnel.
- (e) Neither the LACSD nor the CHP have established a functional mechanism for the collection of law enforcement-related impact fees.
- (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 increasing and/or shifting LACSD personnel, equipment, and facility demands.
- (g) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition (Condition/Standard 9-2) specifying that, prior to the issuance of building permits, the LACSD review and comment upon building plans and the configuration of the residential development and neighborhood park.
- (h) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.9.5 Environmental Effect: The introduction of 200 new residential dwellings and new park acreage will increase existing demands on LACFD facilities, equipment, and personnel, predicated an incremental need for facility expansion, the purchase of new and/or

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replacement equipment, and contributing to the need for addition LACFD personnel (Public Services Impact 9-5).

Finding: The 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 DEIR and Section 3.3.9 (Public Services and Facilities) in RTC2 and those analyses are 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 operated by the WVWD are capable of delivering those minimum flows to the project site.
- (c) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition (Condition/Standard 9-5) specifying that, prior to the issuance of building permits, the LACFD shall review and approve final water improvement and building plans.
- (d) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.9.6 Environmental Effect: Based on the Walnut Valley Unified School District's 2008 fee justification study, since product type remains at the discretion of the Applicant, for the purpose of CEQA compliance, assuming multi-family dwellings, project implementation will increase enrollment within the District by an estimated 89 new students, including approximately 26 new elementary school students (Grades K-5), 24 new junior high school students (Grades 6-9), and 39 new high school students (Grades 9-12) (Public Services Impact 9-6).

Finding: The 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 DEIR and Section 3.3.9 (Public Services and Facilities) in RTC2 and those analyses are incorporated by reference herein.
- (b) As presented in the WVUSD's 2008 "Justification Report for the Walnut Valley Unified School District," the student generation rate for single-family dwelling units (0.682 new students/unit) is higher than the corresponding student generation rate for multi-family units (0.443 new students/unit). When comparing single-family and multi-family housing types, similar increases can be identified for Grades K-5 (0.225 students/single-family and 0.128 students/multi-family unit), Grades 6-9 (0.170 students/single-family and 0.121 students/multi-family unit), and Grades 9-12 (0.288 students/single-family and 0.193 multi-family unit). Neither the proposed project (March 2010 SDSP) nor Alternative 6 (January 2012 SDSP) identified the precise nature of the housing product. The DEIR's analysis of the March 2010 SDSP was, however, predicated on a "multi-family"

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assumption. For consistency and for analytical purposes, that same assumption is retained as part of this analysis.

- (c) Based on the District's 2008 fee justification study, assuming 200 multi-family dwellings, project implementation will increase enrollment within the District by an estimated 89 new students, including about 26 new elementary school students (Grades K-5), 24 new junior high school students (Grades 6-9), and 39 new high school students (Grades 9-12). Based on rounding, the estimates for Alternative 5 (January 2012 SDSP) are the same as those identified for the proposed project (March 2010 SDSP).
- (d) As reported in the DEIR, notwithstanding statements to the contrary in the District's 2008 fee justification study, the WVUSD appears to have a relatively steady-state or decreasing student enrollment, resulting in both the identification of "Site D" as surplus property and public discussions concerning the possible shuttering of other District schools. Within the timeframe assumed herein, sufficient school capacity (inclusive of planned capacity) would appear to exist to accommodate site-specific growth.
- (e) With regards to the "Diamond Bar area" and projected through Fiscal Year 2017, the anticipated additional school population predicated by the development of "Site D" does not appear to have been factored into the District's estimation of "projected regular student generation from new development" and/or "total projected students from new development based on dwelling unit occupancy," both in total and by grade level. However, because the District has declared the "Site D" property to be surplus and because District has requested that the Lead Agency consider a residential use for the subject property, it can be reasonably assumed that the District has sufficient existing and planned school capacity to accommodate this projected increase in student enrollment.
- (f) 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 new development.
- (f) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition (Condition/Standard 9-7) specifying that, prior to the issuance of building permits, the City be provided with a certificate of compliance or other documentation demonstrating that the Applicant has complied with the District's 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 conditions, standards, and/or mitigation measures are recommended or required.

7.9.7 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 Council hereby makes Finding (1).

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

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- (a) Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Facilities) in the DEIR and Section 3.3.9 (Public Services and Facilities) in RTC2 and those analyses are incorporated by reference herein.
- (b) The project would add about 656 new residents to the City. That population increase would create additional demand for library service. Based on the County Library's service level guidelines, the Diamond Bar Library would require an additional 328 gross square feet of additional facility space and an additional 1,804 new items.
- (c) The Diamond Bar Public Library (1061 S. Grand Avenue, Diamond Bar), a branch of the County Library System, is located in a 9,935 square foot structure and houses a collection consisting of 89,446 books and other library materials.
- (d) 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 Public Library would need a 28,115 square foot facility and 154,640 items in order to meet that standard.
- (e) In 2011, the County entered into a 40-year lease agreement with the City for a new library facility to be located at 21810 Copley Drive, comprising the ground-floor of an approximately 55,000 square foot office building acquired by the City in 2010 to serve as a new City Hall. The new library facility will have about 18,000 square feet and about 200 parking spaces. The existing Diamond Bar Public Library will relocate from its existing location, which contains only about 35 parking spaces, and is projected to be in operation at its new site in 2012. The new library facility is projected to accommodate existing and reasonably foreseeable future library serve demands within the City.
- (f) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.9.8 Environmental Effect: Project implementation will increase the resident population of the City of Diamond Bar and generate a projected need for 2.10 acres (approximately 91,518 square feet) of additional parkland within the City (Public Services Impact 9-8).

Finding: The 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 DEIR and Section 3.3.9 (Public Services and Facilities) in RTC2 and those analyses are 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.
- (c) Development-specific park demands can be calculated in accordance with the formula provided in Section 21.32.040 (Park Land Dedications and Fees) in Title 21 (Subdivisions) of the Municipal Code, as follows: $X = 0.005(UP)$, where "X" is the amount of parkland required in acres, "U" is the total number of approved dwelling units, and "P" is the unit-type multiplier. The Municipal Code assumes a

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multiplier of: (1) 2.1 for multi-family (5 or more dwelling units); (2) 2.9 for attached single-family (townhouse) dwellings, duplexes, and multifamily dwellings containing four or fewer dwelling units; and (3) 3.4 for detached single-family dwellings. Assuming the classification of those units as multi-family dwellings, the proposed 200 dwelling units would generate a need for 2.10 acres (approximately 91,518 square feet) of additional parkland within the City.

- (d) On July 19, 2011, the City Council adopted the "Parks and Recreation Master Plan" (P&RMP) identifying the "School District Site D" as a future "site acquisition opportunity." The following "site analysis" was presented therein: "The parcel is located on the southeast corner of Brea Canyon Road and Diamond Bar Boulevard and is about 30.36 acres in size. Acquisition of the site would serve to add additional parkland acreage to meet the City's desired 3 acres per thousand [residents] parkland standard and would serve as a neighborhood park for the surrounding community. The future developer of the site shall improve and dedicate a minimum two acre public park. The future developer will be required to hold neighborhood outreach meetings for the design and location of the public park as part of the tentative tract map entitlement process." As further indicated in the P&RMP, specific "site opportunities" include both a "[m]inimum two acre usable public park and "[p]edestrian and bike trail along Brea Canyon Road."
- (e) The proposed includes the dedication and improvement, by the Applicant, of not less than 2.0 net acres of useable area of public parkland.
- (f) With regards to the potential for criminality in the park, incidents of and trends regarding criminality are difficult to ascertain since both the City and the County lack crime statistics regarding public safety in public parks. Since there exists no accepted methodology to equate land-use decisions to the incidence and type of criminal activities or nuisance, any assumptions that the park will induce, attract, or generate misconduct would be speculative and beyond the scope of CEQA.
- (g) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a number of conditions (Conditions/Standards 9-2, 9-8, and 9-9) specifying: (1) prior to the approval of the final subdivision map, the Applicant shall dedicate or conditionally dedicate and improve or commit to improve a minimum of two net acres of useable area to the City for park purposes and, unless Quimby Act obligations are otherwise fulfilled by dedication and/or the provision of Applicant-sponsored park improvements, provide the City with an additional in-lieu park fee payment in the manner and in the amount authorized the Subdivisions Code or otherwise specified by the City Council; (2) as part of the tentative tract map entitlement process, the Applicant shall conduct or participate in conducting not less than two neighborhood outreach meetings soliciting public comments concerning the location, configuration, design, and range of amenities to be included in the on-site public park; and (3) 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 residential development and neighborhood park.
- (h) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.9.9 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

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District, and increase the demand for park and recreational facilities within the City (Public Services Impact 9-9).

Finding: The 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 DEIR and Section 3.3.9 (Public Services and Facilities) in RTC2 and those analyses are 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/decreases in annual budgetary allocations provided to police and fire protection agencies, including the LACSD and LACFD.
- (c) All qualifying residential and non-residential development projects located within the WVUSD's boundaries are required to pay school impact fees. 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.
- (d) 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.
- (e) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.10 Utilities and Service Systems

7.10.1 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 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 DEIR and Section 3.3.10 (Utilities and Service Systems) in RTC2 and those analyses are 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

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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 additional conditions, standards, and/or mitigation measures are recommended or required.

7.10.2 Environmental Effect: The project's residential and park components are projected to generate approximately 39,100 gallons of wastewater per day (0.04 mgd). Applying a peaking factor of 2.7, the peaked flow rate would be about 105,570 gallons of wastewater per day (0.11 mgd) (Utilities and Service Systems Impact 10-2).

Finding: The 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 DEIR and Section 3.3.10 (Utilities and Service Systems) in RTC2 and those analyses are 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 multi-family (five units or more) dwelling, each unit will generate approximately 156 gallons of wastewater per day (gpd). With regards to public park use, wastewater rates are approximately 100 gpd per each 1,000 square feet of any structures that would generate sewer flows. Although no comfort facilities are presently proposed, for the purpose of CEQA compliance, public park use is assumed to generate 100 gallons of wastewater per day.
- (c) 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 105,570 gpd (0.11 mgd).
- (e) The project generally gravity flows sewage toward the west portion of the property. Wastewater flow originating from the project will discharge to a local sewer line (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 project's projected contribution (0.11 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 (Condition/Standard 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 conditions, standards, and/or mitigation measures are recommended or required.

7.10.3 Environmental Effect: Implementation of the 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).

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Finding: The 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 DEIR and Section 3.3.10 (Utilities and Service Systems) in RTC2 and those analyses are incorporated by reference herein.
- (b) At the project-specific level, on an as-needed basis, local agencies require project proponents to assess the impacts of projects on existing sewer facilities. Those analyses are conducted to identify any site-specific or project-specific improvements that may be required to the local and/or CSDLAC-maintained 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. Those 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 additional conditions, standards, and/or mitigation measures are recommended or required.

7.11 Cultural Resources

7.11.1 Environmental Effect: Ground disturbance activities can result in impacts to on-site cultural resources meeting California Register of Historic Resources eligibility criteria (Cultural Resources Impact 11-1).

Finding: The 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 DEIR and Section 3.3.11 (Cultural Resources) in RTC2 and those analyses are incorporated by reference herein.
- (b) Information and analysis concerning the existing cultural resources setting, including an assessment of site-specific 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) With regards to Alternative 6 (January 2012 SDSP), in the absence of a conceptual grading plan and concurrent processing of a tentative map, for the purpose of CEQA compliance, it is assumed that the acreage of site disturbance, the quantity of on-site grading operations, and the location of cut-and-fill slopes would be similar to that associated with the proposed project (March 2010 SDSP). Similarly, with regards to Alternative 6 (January 2012 SDSP), the Lead

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Agency has assumed that the DEIR's assessment of cultural resources remains generally applicable to a lesser-scale development. The level of cultural resource impacts is, therefore, assumed to be no greater than that assumed for the March 2010 SDSP.

- (d) 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.
- (e) 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 (Compound). The Compound included the residence of Frederick E. Lewis, who owned and operated 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.
- 1. (f) Results of the 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.
- (g) Based on the potential presence of significant cultural resources impacts, a number of mitigation measures (MMs 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.

7.11.2 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 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 DEIR and Section 3.3.11 (Cultural Resources) in RTC2 and those analyses are incorporated by reference herein.
- 2. (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 and identified

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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 (MMs 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.

7.11.3 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 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 DEIR and Section 3.3.11 (Cultural Resources) in RTC2 and those analyses are 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 additional conditions, standards, and/or mitigation measures are recommended or required.

7.12 Aesthetics

7.12.1 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 Council hereby makes Finding (1).

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

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- (a) Project-related and cumulative aesthetics impacts are addressed in Section 4.12 (Aesthetics) in the DEIR and Section 3.3.12 (Aesthetics) in RTC2 and those analyses are incorporated by reference herein.
- (b) With regards to Alternative 6 (January 2012 SDSP), in the absence of a conceptual grading plan and concurrent processing of a tentative map, for the purpose of CEQA compliance, it is assumed that the acreage of site disturbance, the quantity of on-site grading operations, the location of cut-and-fill slopes, the location and size of retaining walls, and grading quantities would be similar to that associated with the proposed project (March 2010 SDSP). Similarly, with regards to Alternative 6 (January 2012 SDSP), the Lead Agency has assumed that the DEIR's assessment of aesthetic impacts remains generally applicable to a lesser-scale development. The level of visual resource impacts is, therefore, assumed to be no greater than that assumed for the March 2010 SDSP.
- (c) Under those assumptions, the proposed development will consist of three mass-graded "super pads," connected by an internal roadway system. 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.
- (d) City policies encourage the use of contour and landform grading techniques in order to create more naturalized engineered slope areas. Proposed grading activities will seek to apply those 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.
- (e) A landscaped "entry feature" will be established near the corner of Diamond Bar Boulevard and Brea Canyon Road, predominately in the vicinity of the City Property. The entry feature is intended to establish a visual "landmark" or "gateway" along one of the City's prominent arterial highways.
- (f) Development activities conducted on the project site remain subject to the City's subdivision review (Section 22.08.040, Municipal Code), plot plan review (Section 22.47.020, Municipal Code), and development review (Section 22.48.020, Municipal Code). Through those existing processes, the City will ensure that development plans are consistent with land-use authority and compatible with other proximal land uses.
- (g) 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.
- (h) 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.
- (i) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition (Condition/Standard 12-1) specifying the minimum valuation of the landscaped "entry feature" to be developed in the vicinity of Diamond Bar Boulevard and Brea Canyon Road.
- (j) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

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7.12.2 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 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 DEIR and Section 3.3.12 (Aesthetics) in RTC2 and those analyses are incorporated by reference herein.
- (b) As specified in the January 2012 SDSR, the exposed height of retaining walls supporting fill slopes along the project perimeter and entry drive shall not exceed four feet. Retaining and crib walls up to 18 feet in height shall be permitted. Crib walls are prefabricated modular walls that consist of stacked interlocking concrete cells that form a retaining wall. Crib walls are filled with suitable backfill and live vegetation planted in individual cells. Plant material is generally selected to fill each cell area so as to function both as a retaining wall and a landscape element. Landscaping will serve to minimize the potential adverse visual effects of on-site retaining walls.
- (c) Although none of the threshold criteria would be exceeded, the Lead Agency has identified a standard condition (Condition/Standard 12-2) specifying that the subsequent development plans include design details, acceptable to both the City Engineer and to the Community Development Director, for all proposed retaining walls.
- (d) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.12.3 Environmental Effect: The introduction of new residential and public park 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 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 DEIR and Section 3.3.12 (Aesthetics) in RTC2 and those analyses are incorporated by reference herein.
- (b) Outdoor lighting standards are contained in Section 22.16.050 (Exterior Lighting) of the Municipal Code. As indicated, in part, therein, where the light source is visible from outside the project boundary, shielding shall be required to reduce glare so that neither the light source nor its image from a reflective surface shall be directly visible from any point five feet or more beyond the property line. This requirement shall not apply to single-family residential uses, traffic safety lighting, or public street lighting. Section 22.16.050(e) of the Municipal Code provides specific requirements for the lighting of recreational sports courts.
- (c) The Illuminating Engineering Society of North America (IESNA) has established recommended outdoor lighting illumination levels. As defined by the IESNA, a widely used light trespass standard is to limit the exterior lighting originating on a

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property to a maximum of 0.5 horizontal foot candles (HFC) at a distance of 25 feet beyond the property lines. Lighting that conform to those standards would be assumed to produce a less-than-significant impact.

- (d) Spill light is defined as the light shining beyond the area to be illuminated, caused either by the uncontrolled direct component of luminaires or from light reflected from the task being illuminated. The California Energy Commission (CEC) defines "light trespass" as "unwanted light from a neighboring property. Any source of light can create trespass, but complaints are related mostly to sports lighting, billboards, and street lighting. Light trespass is annoying, but it can also become a nuisance or even a serious health and safety risk if it adversely affects visibility for other tasks. Light trespass may also be a source of glare, including disabling, discomfort, veiling luminance, and annoyance glare that can also be serious public health and safety risk."
- (d) Increased site utilization will result in the introduction of vehicle headlights along on-site vehicular travel routes. On-site street gradients and configuration have not been determined. It, however, can be assumed that certain off-site receptors (e.g., adjacent residential areas) may experience an increase in light intrusion attributable to the headlights of automobiles (including trucks) entering the project site from Diamond Bar Boulevard. Automobile headlights are common light sources, presently exist within the general project area, and can be effectively reduced through building placement and introduced landscaping. As such, the potential intrusion of vehicle headlights is less than significant.
- (e) With regard to sports lighting in public park settings, illumination levels associated with night sports are typically higher than typically encountered in the nighttime environment. As indicated by the Illuminating Engineers Society of North America (IESNA), with regards to sports lighting, "[t]here are limited choices for outdoor lighting systems compared with the selection for lighting applications. Since there is usually no surface to redirect the light bounced from the playing area, outdoor lighting systems primarily consist of direct distribution floodlights aimed at the playing surface." The IESNA further notes that since outdoor lighting is generally visible far beyond facility boundaries, careful consideration should be given to spill light encroaching on neighboring property and light that contributes to sky glow. Based on the limited size of the proposed neighborhood park, high-intensity sports lighting is not presently assumed.
- (f) In the absence of final plans for site development, the project has the potential to introduce new source of substantial light and glare that could adversely impact off-site areas.
- (g) Based on the potential presence of significant aesthetic impacts, a mitigation measure (MM 12-1) has been included in the FEIR and adopted or likely to be adopted in the MRMP requiring that all pole-mounted or wall-mounted luminaires installed for the purpose of illuminating homes, public park areas, private roadways, and driveways conform to appropriate lighting standards and demonstrate, to the satisfaction of the City Engineer, that light trespass will not exceed 0.5 horizontal foot candle, 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.

7.12.4 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).

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Finding: The 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 DEIR and Section 3.3.12 (Aesthetics) in RTC2 and those analyses are 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 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 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 additional conditions, standards, and/or mitigation measures are recommended or required.

7.13 Growth Inducement

7.13.1 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 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 DEIR and Section 3.3.13 (Growth Inducement) in RTC2 and those analyses are 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) The project's implementation will change existing land-use policies with regards to the allowable use of the project site, potentially 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.

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- (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.
- (e) Although project implementation will result in a modification to existing land-use policies, based on the limited scale of development, the resulting use is not anticipated to necessitate the provision of unplanned services and facilities beyond the project boundaries.
- (f) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

7.13.2 Environmental Effect: The construction of 200 new dwelling units will increase the City’s population by an estimated 656 individuals, require an estimated 72 construction workers to complete, and create an estimated additional 86 indirect and induced job opportunities (Growth Inducement Impact 13-2).

Finding: The 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 DEIR and Section 3.3.13 (Growth Inducement) in RTC2 and those analyses are incorporated by reference herein.
- (b) The construction of the 200 housing units would require an estimated 72 construction workers. Construction workers may impose short-term demands on local businesses, such as nearby restaurants. Those localized demands will, however, cease upon completion of construction activities. A wide range of businesses now exists near the project site. Construction-term demands on those businesses are not anticipated to be so substantial as to warrant business expansion based solely on project-related activities. Since construction jobs are, by definition, short-term in duration, they are generally not the type of employment opportunities that predicate substantial increased localized demands for goods and services. With regards to the types of commercial uses typically patronized by construction workers, there exist sufficient existing businesses operating within the City and in the general project area to adequately serve those short-term demands.
- (c) With regards to long-term employment, once inhabited, jobs associated with housing include, but are not limited to, landscape and pool maintenance, interior designers, and associated construction trades. Jobs indirectly related to housing include medical professionals, manufacturers and retailers, and associated service providers. Each new residence will, therefore, incrementally increase existing demands for manufacturing, service-related, and professional jobs. It is estimated that each job created through residential construction supports an additional 1.2 jobs. Based on that ratio, the project’s 72 estimated construction jobs would result in an additional 86 indirect and induced jobs.
- (d) The size of the 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.

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- (e) Project implementation will not result in the removal of economic, physical, and/or political constraints affecting either the project site or other near-site properties.
- (f) 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 project, ambient growth, and other related projects and are not intended to add capacity beyond those projections.
- (g) Since none of the threshold of significance criteria would be exceeded, the identified impact would be less than significant and no additional conditions, standards, and/or mitigation measures are recommended or required.

8.0 FINDINGS REGARDING THE LEAD AGENCY'S DECISION NOT TO RECIRCULATE THE DEIR PRIOR TO CERTIFICATION

Pursuant to Section 21092.1 of CEQA and Section 15088.5 of the State CEQA Guidelines, presented herein are findings supporting the Lead Agency's decision not to recirculate the DEIR prior to its certification.

Section 15088.5(a) of the State CEQA Guidelines requires recirculation of an EIR prior to certification of the final EIR when "significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review. "New information is not 'significant' unless the EIR is changed in a way that deprives the public of meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. 'Significant new information' requiring recirculation includes, for example, a disclosure showing that: (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented; (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance; (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project but the project proponents decline to adopt it; (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded" (Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal. [1993]). Findings regarding each of the four factors specified in Section 15088.5(a) are separately presented below.

In addition, Section 15088.5(a) of the State CEQA Guidelines notes that "[n]ew information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project proponents have declined to implement." This additional factor is also separately addressed below.

8.1 Environmental Effect: A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented (Section 15088.5(a)(1), State CEQA Guidelines).

Finding: The Council finds that no "significant new information" has been presented requiring recirculation of the DEIR.

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

- (a) On June 22, 2009, the Department noticed, released, and disseminated copies of the DEIR, NOC, and NOA. Both the DEIR and NOC were submitted to the SCH on June 25, 2009. The State agency comment period, as established by the SCH, concluded on August 10, 2009.
- (b) With regards to the GHG emissions analysis of the proposed project (March 2010 SDSP), at the time the analysis was performed, no statutory or regulatory requirements for inclusion of that analysis and no accepted significance threshold existed against which projected project-related GHG emissions could be judged.
- (b) Based on the 2010 revisions to the State CEQA Guidelines, as established under Senate Bill (SB) 97 (approved by the Governor on August 24, 2007 and which became effective on March 18, 2010), an augmented GHG emissions analysis was performed for the proposed project (March 2010 SDSP) and included in the RTC2. For comparative purposes, a similar analysis was performed for Alternative 6 (January 2012 SDSP). That analysis concluded that the proposed project (March 2010 SDSP) would produce significant project-level (operational) and cumulative GHG emissions impacts.
- (c) Since the DEIR already states that air quality impacts attributable to the proposed project (March 2010 SDSP) would be operationally and cumulatively significant, from an air quality perspective, no new significant environmental impacts would result from the project's implementation.
- (d) The Lead Agency has concluded that no feasible mitigation measures exist that would reduce GHG emission impacts attributable to the proposed project (March 2010 SDSP) to a less-than-significant level. With regards to the March 2010 SDSP, following the release of the DEIR, no new mitigation measures have, therefore, been proposed for implementation by the Lead Agency.
- (e) Because no new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented, the augmented analysis of GHG emissions in the FEIR does not constitute "significant new information" requiring recirculation.

8.2 Environmental Effect: A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance (Section 15088.5(a)(2), State CEQA Guidelines).

Finding: The Council finds that no "significant new information" has been presented requiring recirculation of the DEIR.

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

- (a) As indicated in the DEIR, with regards to the proposed project (March 2010 SDSP), significant, unmitigatable construction, operational, and cumulative air quality impacts were identified by the Lead Agency. Although no significance determination for GHG emissions was explicitly presented therein based on the absence of a supportable threshold of significance, operationally, the DEIR stated that approximately 15,889.66 tons of carbon dioxide (CO₂) would be produced annually as a result of the implementation of the proposed project (March 2010 SDSP). Based on the augmented analysis presented in the RTC2, the Lead Agency estimated that the March 2010 SDSP would produce approximately 14,084.01 metric tons of CO₂ equivalent (MTCO₂e) annually

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during the project's operation. As a result, although the quantities of CO₂ and carbon dioxide equivalent (CO₂e) may not be directly comparable, the recalculated quantity of GHG emissions provided in this RTC2 is less than the tonnage represented in the DEIR. Based on those projections, no substantial increase in the severity of any previously identified environmental impacts would result from the implementation of the March 2010 SDSP.

- (b) The Lead Agency has concluded that no feasible mitigation measures exist that would reduce GHG emission impacts attributable to the March 2010 SDSP to a less-than-significant level. With regards to the proposed project (March 2010 SDSP), following the release of the DEIR, no new mitigation measures have been proposed for implementation by the Lead Agency.
- (c) Because no substantial increase in the severity of an environmental impact has been identified, the augmented analysis of GHG emissions in the FEIR does not constitute "significant new information" requiring recirculation.

8.3 Environmental Effect: A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project but the project proponents decline to adopt it (Section 15088.5(a)(3), State CEQA Guidelines).

Finding: The Council finds that no "significant new information" has been presented requiring recirculation of the DEIR.

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

- (a) In addition to an allowable commercial use, the proposed project (March 2010 SDSP) authorized the construction of 202 dwelling units on the subject property.
- (b) The DEIR included an analysis of two residential-only alternatives. Under Alternative 5 (Low-Density Residential), a total of 60 dwelling units would be constructed on the project site; under Alternative 5 (High-Density Residential), a total of 404 units would be constructed on the project site. With regards to those alternatives, the DEIR states that the City's park dedication requirements, as established under the Municipal Code, could be satisfied through the dedication and improvement of on-site parkland and/or the payment of in-lieu fees.
- (c) Following the release of the DEIR, the CEQA analysis was subsequently augmented to include, as a stand-alone alternative, a variation of or revision to both the proposed project (March 2010 SDSP) and to those residential-only alternatives. Under Alternative 6 (January 2012 SDSP), a total of 200 dwelling units would be constructed on the project site. Park dedication requirements would be satisfied through a combination of on-site parkland dedication and improvement and, if further Quimby Act obligations were to exist, the payment of additional in-lieu fees. Based on the similarities between Alternative 6 (January 2012 SDSP) and other alternatives already included in the DEIR, Alternative 6 is not considered to be considerably different from either the proposed project (March 2010 SDSP) or from other alternatives analyzed by the Lead Agency.
- (d) Because the Lead Agency has adopted or is likely to adopt Alternative 6 (January 2012 SDSP) rather than the proposed project (March 2010 SDSP), the inclusion of that alternative in the FEIR does not constitute "significant new information" requiring recirculation since implementation would clearly lessen the significant environmental impacts of the proposed project (March 2010 SDSP) and the project proponents did not decline it.

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- 8.4 Environmental Effect: The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (Section 15088.5(a)(4), State CEQA Guidelines).

Finding: The Council finds that no “significant new information” has been presented requiring recirculation of the DEIR.

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

- (a) The Council finds and certifies that the FEIR constitutes a complete, accurate, adequate, and good-faith effort at full disclosure under CEQA.
- (b) No substantial evidence has been presented to the Lead Agency indicating that the DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment was precluded.

- 8.5 Environmental Effect: EIR is changed in a way that deprives the public of meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project proponents have declined to implement (Section 15088.5(a), State CEQA Guidelines).

Finding: The Council finds that no “significant new information” has been presented requiring recirculation of the DEIR.

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

- (a) As part of the CEQA process, the Commission held public hearing on the proposed project (March 2010 SDSP) on April 13, April 27, and May 11, 2010 and the Council held public hearings on the proposed project on June 15, July 20, October 19, November 16, December 7, and December 21, 2010. The minutes of those public hearings are part of the project’s administrative record.
- (b) The Lead Agency’s decision to pursue Alternative 6 (January 2012 SDSP) results from public comments received during the numerous public hearing and community meetings conducted under CEQA for the proposed project (March 2010 SDSP). As a result, rather than “depriving the public of meaningful opportunities to comment upon . . . a feasible project alternative,” the identified alternative is a direct result of that public participation in the CEQA process.
- (b) During the Commission’s and the Council’s deliberations on the proposed project (March 2010 SDSP), numerous comments requested that the Lead Agency formulate and consider an alternative similar to Alternative 6 (January 2012 SDSP). For example, drawing from the numerous written and oral comments submitted to the Lead Agency in response to the dissemination of the DEIR and NOC, the following comments are extracted from RTC1: (1) “As voiced by the majority of participants last Monday A modified plan would be more acceptable, with the prospect of lower density housing with the incorporation of a park so greatly needed on the southern end of our city. As we can see by South end commercial areas, vacancies are many and are slow (years) to fill. The last thing we need is an abandoned strip mall or another blighted center” (Comment 11-9-6); and (2) “We do not need another commercial shopping center in our neighborhood” (Comment 11-23-1).

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- (c) As indicated in correspondence from the President of the WVUSD's Board of Trustees, dated December 2, 2010, with regards to comments received by the Applicant at the November 9, 2010 Special Board Meeting/Study Session, the District noted: "The comments received from the outreach workshop generally revolve around the same issue we have heard at past public meetings. Based upon this workshop summary, it was clear to the Board that the community did not need or want commercial development on Site D, but was supportive of single family residential development if Site D was to be developed. The community also supported designating appropriate open space, green belt and park areas with the development plan for Site D. Therefore, based upon the above, the Board of Trustees for the Walnut Valley Unified School District recommends (1) that Site D be developed 100% residential with minimal peripheral open space, green belt and park areas with a monument to mark the entrance into Diamond Bar, and (2) that the residential density be reduced to less than 20 units per acre."
- (d) Based on the full extent of public participation, the public has been provided a meaningful opportunity to comment on the project.

9.0 FINDINGS REGARDING MITIGATION REPORTING AND MONITORING PROGRAM

The Council has adopted or will likely adopt the MRMP set forth in the FEIR for Alternative 6 (January 2012 SDSP). The MRMP is extracted from Table RTC2-4 ("January 2012 'Site D' Specific Plan" – Draft Mitigation Reporting and Monitoring Program). The Lead Agency acknowledges that a portion of Table RTC2-4 ("January 2012 'Site D' Specific Plan" – Draft Mitigation Reporting and Monitoring Program), as presented in RTC2, is mislabeled "Table ES-4 ('January 2012 'Site D' Specific Plan' – Draft Mitigation Reporting and Monitoring Program)" but is nonetheless a part of Table RTC2-4. The Council hereby finds that the MRMP presented therein meets the requirements of Section 21081.6 of CEQA and Sections 15097 and 15126.4 of the State CEQA Guidelines.

10.0 FINDINGS REGARDING THOSE PROJECT ALTERNATIVES NOT SELECTED FOR IMPLEMENTATION

The Council recognizes that the proposed project (March 2010 SDSP) will result in significant unavoidable environmental impacts that cannot be feasibly reduced to below a level of significance through the adoption of feasible mitigation measures. In the presence of significant environmental effects and the absence of feasible mitigation measures, CEQA's "substantive mandate" directs the Lead Agency to refrain from approving a proposed project where there exist feasible alternatives that can substantially lessen or avoid those effects.

The Council finds that, with the exception of Alternative 6 (January 2012 SDSP), with regards to each of the remaining conservation-based and development-oriented alternatives examined in the FEIR, specified economic, environmental, legal, social, technological, and other considerations make those alternatives infeasible. In addition, those alternatives will neither fulfill the project's basic objectives nor feasibly result in the avoidance or substantial lessening of any of the proposed project's (March 2010 SDSP) significant environmental effects.

10.1 Alternative 1 (No Project)

Alternative 1 (No 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

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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 all or a portion of the City Property to allow for the development of identified Year 2030 street improvements to the Diamond Bar Boulevard/Brea Canyon Road intersection.

Finding: The Council hereby makes Finding (3).

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

- (a) The Lead Agency's analysis of project alternatives is presented in Section 6.0 (Alternatives Analysis) in the DEIR and in Section 3.0 ("January 2012 'Site D' Specific Plan" Alternative) in RTC2 and those analyses are incorporated by reference herein.
- (b) Under Alternative 1 (No Project), no new housing units, commercial square footage, or recreational facilities would be constructed on the project site.
- (c) Alternative 1 (No Project) generally reflects the conditions and associated environmental impacts that would predictably occur should the Lead Agency elect to either deny the proposed project (March 2010 SDSP) 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 processing 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 long-term retention as an open space area.
- (d) With regards to the ability of Alternative 1 (No Project) to avoid or substantially lessen the significant environmental effects of the proposed project (March 2010 SDSP):
 - (1) With regards to construction air quality impacts, under the proposed project (March 2010 SDSP), combined emissions of reactive organic gases (ROG) would exceed the SCAQMD's recommended threshold criteria. Construction impacts would, therefore, be deemed significant. Under Alternative 1 (No Project), no or only minimal development would occur on the project site. Construction-term emissions of criteria pollutants would, therefore, be eliminated and short-term air quality impacts would be reduced to a less-than-significant level.
 - (2) With regards to operational air quality impacts, the proposed project (March 2010 SDSP) is projected to create ROG, NOx, and CO emissions in excess of SCAQMD's suggested daily threshold criteria. Under Alternative 1 (No Project), no or only minimal development would occur on the project site. Operational emissions of criteria pollutants would be eliminated and associated air quality impacts would be reduced to a less-than-significant level.
 - (3) With regards to cumulative air quality impacts, because the construction and operation air quality impacts attributable to the proposed project (March 2010 SDSP) cannot be reduced to a less-than-significant level, those emissions would incrementally and significantly contribute to regional air quality problems. Under Alternative 1 (No Project) no short- or long-term significant increase in criteria pollutants would be anticipated.

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- since no or only minimal development would occur on the project site. Because there would exist no significant contribution to regional air emissions in the SCAB, cumulative air quality impacts would be avoided.
- (4) With regards to GHG emissions, the construction and operation of the proposed project (March 2010 SDSP) is projected to generate GHG emissions at levels in excess of the SCAQMD's recommended threshold criteria. Under Alternative 1 (No Project), since no or only minimal infrastructure improvements would occur on the project site and no new land uses would be introduced thereupon, no or only minimal construction and operational GHG emissions would be produced. Because the SCAQMD's recommended threshold standards would not be exceeded, both project-level and cumulatively, no significant climate change impacts would result therefrom.
 - (e) The Council finds that Alternative 1 (No Project) is "environmentally superior" to the proposed project (March 2010 SDSP) since it would, at least in the short term, result in the avoidance of significant construction, operational, and cumulative air quality impacts (including both criteria pollutants and GHG emissions).
 - (f) As more thoroughly described in Section 6.1(c)(1)(B) herein, the Council finds that Alternative 1 (No Project) would not substantially meet the project's basic objectives.
 - (g) Although a substantial portion of the project site is owned by the District, the District has declared the District Property to be 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, Alternative 1 (No Project) is deemed to be economically, legally, and socially infeasible.

10.2 Alternative 2 (Public Facilities)

Alternative 2 (Public Facilities) 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.

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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). The alternative-specific grading plan could closely replicate that associated with the proposed project (March 2010 SDSP).

Finding: The Council hereby makes Finding (3).

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

- (a) The Lead Agency's analysis of project alternatives is presented in Section 6.0 (Alternatives Analysis) in the DEIR and in Section 3.0 ("January 2012 'Site D' Specific Plan" Alternative) in RTC2 and those analyses are incorporated by reference herein.
- (b) With regards to the ability of Alternative 2 (Public Facilities) to avoid or substantially lessen the significant environmental effects of the proposed project (March 2010 SDSP):
 - (1) With regards to construction air quality impacts, under the proposed project (March 2010 SDSP), combined emissions or ROG would exceed the SCAQMD's recommended threshold criteria. With regards to criteria pollutants, construction impacts would be deemed to be significant. Under Alternative 2 (Public Facilities), although 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-term air quality impacts would be assumed to be similar to those associated with the proposed project (March 2010 SDSP) and would, therefore, remain significant.
 - (2) With regards to operational air quality impacts, the proposed project (March 2010 SDSP) 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 about 2,478 daily vehicle trips during a typical weekday (as compared to approximately 9,276 daily vehicle trips for the March 2010 SDSP). Because this alternative would generate substantially lower volumes of daily and peak-hour vehicle trips that associated with the proposed project (March 2010 SDSP), mobile source emissions would be substantially reduced. Under this alternative, with regards to criteria

- pollutants, operational air quality impacts would be reduced to a less-than-significant level.
- (3) With regards to cumulative air quality impacts, under the SCAQMD's recommended methodology, development activities that generate significant construction and/or operational air quality impacts are also assumed to generate significant cumulative air quality impacts.
 - (4) With regards to GHG emissions, based on the CalEEMod emissions modeling performed for Alternative 6 (January 2012 SDSP), based on the number of vehicle trips associated with Alternative 2 (Public Facilities), it can be concluded that project-level and cumulative GHG emissions and climate change impacts would be significant.
- (c) The Council finds that Alternative 2 (Public Facilities) is "environmentally superior" to the proposed project (March 2010 SDSP) since it would result in the avoidance or substantial lessening of significant operational air quality impacts.
 - (d) Absent a housing component, the Council finds that Alternative 2 (Public Facilities) would meet some but would not all of the project's basic objectives.
 - (e) The Council finds that Alternative 2 (Public Facilities) is legally, socially, and technologically feasible. The District has, however, attempted to market the District Property to a range of perspective buyers. No perspective buyer with a declared interest in a public facilities use has been identified. Other than through public expenditure, costs to develop the project site, including the extensive grading required to stabilize slope areas and create building pads, likely prohibits the site's subsequent use for any activities that would generate only limited revenues. Alternative 2 (Public Facilities) is, therefore, not considered to be economically feasible.
 - (f) Alternative 2 (Public Facilities) is not projected to result in the avoidance of substantial lessening of the following significant environmental impacts attributable to the proposed project (March 2010 SDSP): (1) construction air quality impacts with regards to criteria pollutants; (2) cumulative air quality impacts with regards to criteria pollutants; and (3) project-level and cumulative air quality impacts with regards to GHG emissions and climate change. Except through the adoption of a statement of overriding consideration, Alternative 2 (Public Facilities) is not considered to be environmentally feasible.

10.3 Alternative 3 (Community Commercial)

Alternative 3 (Community Commercial) Description: Under this alternative, the project site would be developed for commercial use in accordance with the "Community Commercial (C-2)" 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-2 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 Code, 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

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display area (Section 22.30.030). The alternative-specific grading plan could closely replicate that associated with the proposed project (March 2010 SDSP).

Finding: The Council hereby makes Finding (3).

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

- (a) The Lead Agency's analysis of project alternatives is presented in Section 6.0 (Alternatives Analysis) in the DEIR and in Section 3.0 ("January 2012 'Site D' Specific Plan" Alternative) in RTC2 and those analyses are incorporated by reference herein.
- (b) With regards to the ability of Alternative 3 (Community Commercial) to avoid or substantially lessen the significant environmental effects of the proposed project (March 2010 SDSP):
 - (1) With regards to construction air quality impacts, under the proposed project (March 2010 SDSP), combined emissions of ROG would exceed the SCAQMD's recommended threshold criteria. With regards to criteria pollutants, construction impacts would be deemed to be significant. Under Alternative 3 (Community Commercial), 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). Because mass grading of the project site would be required to create the site's "super pads" and because construction of a multi-pad commercial complex would likely be staged based on financing considerations and market considerations, maximum daily construction activities would be anticipated to be similar. With regards to criteria pollutants, construction impacts would be significant.
 - (2) With regards to operational air quality impacts, the proposed project (March 2010 SDSP) 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 daily and peak-hour 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 daily and peak-hour vehicle trips generated under this alternative. Based on that increase, with regards to criteria pollutants, operational air quality impacts would be projected to remain significant.
 - (3) With regards to cumulative air quality impacts, under the SCAQMD's recommended methodology, development activities that generate significant construction and/or operational air quality impacts are also assumed to generate significant cumulative air quality impacts.
 - (4) With regards to GHG emissions, based on the CalEEMod emissions modeling performed for Alternative 6 (January 2012 SDSP), based on the number of vehicle trips associated with Alternative 2 (Public Facilities), it can be concluded that project-level and cumulative GHG emissions and climate change impacts would be significant.
- (c) The Council finds that Alternative 3 (Community Commercial) is not "environmentally superior" to the proposed project (March 2010 SDSP) since it would not result in the avoidance or substantial lessening of significant

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construction, operational, and cumulative air quality impacts (including both criteria pollutants and GHG emissions).

- (d) Absent a housing component, the Council finds that Alternative 3 (Community Commercial) would meet some but would not all of the project's basic objectives.
- (e) The Council finds that Alternative 3 (Community Commercial) is economically, legally, and technologically feasible. The District has, however, indicated that "Site D [should] be developed 100% residential." As such, the Applicant has indicated that it does not seek to pursue a commercial development option for the "Site D" property. Alternative 3 (Community Commercial) is, therefore, not considered to be socially feasible.
- (f) Alternative 3 (Community Commercial) is not projected to result in the avoidance of substantial lessening of the following significant environmental impacts attributable to the proposed project (March 2010 SDSP): (1) construction air quality impacts with regards to criteria pollutants; (2) operational air quality impacts with regards to criteria pollutants; (3) cumulative air quality impacts with regards to criteria pollutants; and (4) project-level and cumulative air quality impacts with regards to GHG emissions and climate change. Except through the adoption of a statement of overriding consideration, Alternative 3 (Community Commercial) is not considered to be environmentally feasible.

10.4 Alternative 4 (Low-Density Residential)

Alternative 4 (Low-Density Residential) Description: The eastern portion of the project site is zoned "Low Density Residential (R-1-7,500)" and "Low Medium Density Residential (R-1-10,000)" on the City's Official Zoning Map. Alternative 4 (Low-Density Residential) is predicated upon the expansion of the "Low Density Residential (RL)" zoning designation so as to encompass the entirety of estimated developable area of the project site (20.2 net acres). At a density of 3 dwelling units per net acre, a total of about 60 dwelling units would be developed on the project site. Under this alternative, the alternative-specific grading plan could closely replicate that associated with the SDSP.

Finding: The Council hereby makes Finding (3).

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

- (a) The Lead Agency's analysis of project alternatives is presented in Section 6.0 (Alternatives Analysis) in the DEIR and in Section 3.0 ("January 2012 'Site D' Specific Plan" Alternative) in RTC2 and those analyses are incorporated by reference herein.
- (b) With regards to the ability of Alternative 4 (Low-Density Residential) to avoid or substantially lessen the significant environmental effects of the proposed project (March 2010 SDSP):
 - (1) With regards to construction air quality impacts, assuming a similar grading plan, based on the CalEEMod emissions modeling performed for Alternative 6 (January 2012 SDSP), with regards to criteria pollutants, it can be reasonably concluded that any residential development of comparable or lesser size/scale developed on the project site and operating under the same general assumptions would produce similar construction-term air quality impacts. As a result, short-term air quality impacts are assumed to be less than significant.

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- (2) With regards to operational air quality impacts, under this alternative, the number of projected average daily trips attributable to the proposed project (March 2010 SDSP) would be reduced from about 9,276 to 574 ADT (based on an ITE-generated trip generation rate of 9.57 trip ends per single-family unit). Mobile source emissions would, therefore, be substantially reduced. Based on that reduction, with regards to criteria pollutants, operational air quality impacts would be reduced to a less-than-significant level.
 - (3) With regards to cumulative air quality impacts, under the SCAQMD's recommended methodology, development activities that do not generate significant air quality impacts, including criteria pollutants and/or GHG emissions, are also assumed not to generate significant cumulative air quality impacts. Because construction and operational air quality impacts would not exceed SCAQMD's recommended threshold standards, cumulative impacts would not be deemed significant.
 - (4) With regards to GHG emissions, under this alternative, about 574 daily trip ends would be generated during a typical weekday. Based on the CalEEMod emissions modeling for Alternative 6 (January 2012 SDSP), which generates about 1,182 daily trip ends and which was determined to be less than significant, GHG emissions would be predicted not to exceed the SCAQMD's recommended GHG threshold standard and the resulting impact, both project-level and cumulatively, would be less than significant.
- (c) The Council finds that Alternative 4 (Low-Density Residential) is "environmentally superior" to the proposed project (March 2010 SDSP) since it would result in the avoidance of significant construction, operational, and cumulative air quality impacts (including both criteria pollutants and GHG emissions).
 - (d) As more thoroughly described in Section 6.1(c)(2)(B) herein, the Council finds that Alternative 4 (Low-Density Residential) would meet the project's basic objectives. However, as a result of the City's very limited land inventory, a low-density alternative would impede local efforts toward achievement of the City's adopted RHNA housing goals.
 - (e) Given the difficulties of developing a project of this size on a property of this complexity, the project must achieve sufficient economies of scale in order to obtain a reasonable rate of return. The existing terrain, geotechnical issues, and the need for improved site access make this a difficult and costly property to develop. Because costs need to be passed along to individual homebuyers, unless designed to cater only to an elite buyer, the substantial reduction in the number of units authorized under this alternative (60 units) would likely make the financing of landform alterations and the provision of infrastructure improvements infeasible. The resulting costs would limit both the range of housing products that would be developed on the subject property and the number of qualifying buyers.
 - (f) The Applicant is required to dedicate real property and finance the cost of developing a new neighborhood park on the project site. The neighborhood park is both a major priority and public benefit for the City, as well as a significant up-front investment by the Applicant. In recognition of the buyer's need to achieve a reasonable rate of return, in comparison to other alternatives allowing for a higher intensity of use, implementation of this alternative would substantially reduce revenue opportunities available to the District. As a result, the Council finds that Alternative 4 (Low-Density Residential) is not economically feasible.

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10.5 Alternative 5 (High-Density Residential)

Alternative 5 (High-Density Residential) 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 Development 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.

As stipulated in Section 22.22.040 (Density) of the Development 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 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 that ordinance.

Finding: The Council hereby makes Finding (3).

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

- (a) The Lead Agency’s analysis of project alternatives is presented in Section 6.0 (Alternatives Analysis) in the DEIR and in Section 3.0 (“January 2012 ‘Site D’ Specific Plan” Alternative) in RTC2 and those analyses are incorporated by reference herein.
- (b) With regards to the ability of Alternative 5 (High-Density Residential) to avoid or substantially lessen the significant environmental effects of the proposed project (March 2010 SDSP):
 - (1) With regards to construction air quality impacts, under the proposed project (March 2010 SDSP), combined emissions or ROG would exceed the SCAQMD’s recommended threshold criteria. With regards to criteria pollutants, construction impacts would be deemed to be significant. Under Alternative 5 (High-Density Residential), 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 (202 additional dwelling units would substitute for the 153,985 square feet of commercial use). Because this change would likely constitute an increase in total square footage of authorized uses, the resulting construction-term air quality impacts would be likely greater than associated with the proposed project (March 2010 SDSP). With regards to criteria pollutants, short-term air quality impacts would remain similar.
 - (2) With regards to operational air quality impacts, the proposed project (March 2010 SDSP) 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 about 2,364 daily vehicle trips during a typical weekday (as compared to approximately 9,276 daily vehicle trips for the March 2010 SDSP). Because this alternative would generate substantially lower volumes of

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daily and peak-hour vehicle trips that associated with the proposed project (March 2010 SDSP), mobile source emissions would be substantially reduced. Under this alternative, with regards to criteria pollutants, operational air quality impacts would be reduced to a less-than-significant level.

- (3) With regards to cumulative air quality impacts, under the SCAQMD's recommended methodology, development activities that generate significant air quality impacts are also assumed to generate significant cumulative air quality impacts.
 - (4) With regards to GHG emissions, based on the CalEEMod emissions modeling performed for Alternative 6 (January 2012 SDSP), based on the number of vehicle trips associated with Alternative 2 (Public Facilities), it can be concluded that project-level and cumulative GHG emissions and climate change impacts would be significant.
- (c) The Council finds that Alternative 5 (High-Density Residential) is "environmentally superior" to the proposed project (March 2010 SDSP) since it would result in the avoidance or substantial lessening of significant operational air quality impacts.
 - (d) The Council finds that Alternative 5 (High-Density Residential) would meet the project's basic objectives.
 - (e) The Council finds that Alternative 5 (High-Density Residential) is economically, legally, and technologically feasible. The District has, however, indicated that the "residential density be reduced to less than 20 units per acre. This decrease in density will better blend with the existing residences in the vicinity of Site D and will better meet the current market conditions for the building community." Alternative 5 (High-Density Residential) is, therefore, not considered to be socially feasible in that it conflicts with and exceeds the Applicant's requested entitlements.
 - (f) Alternative 5 (High-Density Residential) is not projected to result in the avoidance of substantial lessening of the following significant environmental impacts attributable to the proposed project (March 2010 SDSP): (1) construction air quality impacts with regards to criteria pollutants; (2) cumulative air quality impacts with regards to criteria pollutants; and (3) project-level and cumulative air quality impacts with regards to GHG emissions and climate change. Except through the adoption of a statement of overriding consideration, Alternative 5 (High-Density Residential) is not considered to be environmentally feasible.

11.0 STATEMENT OF PROJECT BENEFITS

The City Council finds that the selection, approval, and implementation of Alternative 6 (January 2012 SDSP) would result in a number of identifiable community benefits. Those benefits include, but may not be limited to:

- (1) Authorize residential development avoiding or substantially lessening significant effects to the natural and human environment, thus furthering local, regional, and Statewide objectives regarding environmental protection, sustainable development, and the reduction of GHG emissions and its corresponding impacts on global climate change.
- (2) Consistent with the City's "Park and Recreation Master Plan," promote the expansion of the City's park system through the dedication and improvement, without direct costs to the City, of a new neighborhood park in the southwestern portion of the City consisting of not less than two net acres of useable area.

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- (3) Optimize the disposal of “surplus” lands owned by the WVUSD, thus providing critical revenues to the District to be used for capital outlays and/or for costs of maintaining District property that the Board of Trustees determines will not recur within a five-year period.
- (4) Allow for the construction of critical improvements to components of the City’s arterial street system, thus improving traffic flow and motorist safety.
- (5) Creation of a “green” and sustainable residential community promoting energy efficiency, water conservation, and waste reduction, and serving as a model to other future development projects in the City.
- (6) Establish and maintain a landscaped “entry feature” and establish a visual “landmark” or “gateway” along one of the City’s prominent arterial highways.
- (7) Allow for the productive use of vacant property in the City, converting tax-exempt property to a private use and providing tax and other revenue benefits to the City and its residents.
- (8) Adoption of a specific plan that will serve as a valuable regulatory tool for the systematic implementation of the City’s General Plan, defining the types of permitted and conditionally permitted uses that the Council believes to be appropriate for the project site, setting reasonable limits on the type and density of those uses, and establishing the design and development standards for those uses.
- (9) Provide reasonable certainty to a site developer or master builder concerning the type and intensity of development and general nature of exactions that the City envisions with regards to the project site.
- (10) Expedite subsequent project-level CEQA compliance activities through the adoption of a comprehensive EIR addressing the specific plan and its corresponding entitlements.
- (11) Result in the production of 200 new housing units within the City, thus helping the City respond to the identified housing demands outlined in the current “Regional Housing Needs Assessment” (RHNA).
- (12) Pursuant to Section 21000(g) of CEQA, further the attainment of the Statewide goal of “providing a decent home and satisfying living environment for every Californian.”
- (13) Present future homebuyers with additional purchase options and price variations allowing homebuyers to better match housing choices with household needs and demands within the City.
- (14) Generate school impact, park, and traffic impact fees and other exactions that will facilitate the ability of the City and other agencies to undertake improvements to specific public facilities.

EXHIBIT “B”

**JANUARY 2012 “SITE D” SPECIFIC PLAN
FINAL MITIGATION REPORTING AND MONITORING PROGRAM**

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Hydrology and Water Quality		
1	Prior to the issuance of grading permits, all drainage facilities and improvements shall be subject to final design and engineering review and approval by the City Engineer and, for those storm drain facilities under County jurisdiction, by the Los Angeles County Department of Public Works (LACDPW) (Mitigation Measure 4-1).	City Engineer	Issuance of Grading Permits
	Biological Resources		
2	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 project’s design and development enhancing the site’s biological resources (Mitigation Measure 5-1).	Community Development Director	Issuance of Grading Permits
	Traffic and Circulation		
3	Prior to the recordation of the final tract map or issuance of occupancy permits for any residential development, as determined by the City Engineer, the Applicant shall complete, to the satisfaction of the City Engineer, those street and intersection improvements identified in the traffic impact analysis or any supplement thereto, provide a bond or other acceptable instrument committing to those improvements, and/or provide a “fair-share” contribution toward the cost of the improvements to the following intersections: (1) Brea Canyon Road 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; (7) SR-57 NB Ramps at Brea Canyon Cutoff; (8) Brea Canyon Road at Diamond Bar Boulevard; (9) Crooked Creek or 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 (Mitigation Measure 6-1).	City Engineer	Final Tract Map Recordation or Issuance of Occupancy Permits
4	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 (Mitigation Measure 6-2).	City Engineer	Site Plan Approval
	Air Quality		
5	Site watering shall be conducted a minimum of three times daily during site preparation activities within disturbed areas lacking ground coverage (Mitigation Measure 7-1).	Building Inspector	Construction Term

**JANUARY 2012 “SITE D” SPECIFIC PLAN
 FINAL MITIGATION REPORTING AND MONITORING PROGRAM**

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
Noise			
6	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 construction materials to or from the site (Mitigation Measure 8-1).	Building Inspector	Construction Term
7	All construction equipment shall be properly maintained and tuned to minimize noise emissions (Mitigation Measure 8-2).		
8	All equipment shall be fitted with properly operating mufflers, air intake silencers, and engine shrouds no less effective than originally equipped (Mitigation Measure 8-3).		
9	The construction contractor shall place temporary noise barriers along the site perimeter when doing any work within 100 feet of any existing residential units. Where feasible, such barriers shall attempt to block the line of sight between the residents and construction equipment (Mitigation Measure 8-4).		
10	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 (Mitigation Measure 8-5).	City Engineer	Building Permit Issuance
11	Construction shall be subject to any and all provisions set forth by the City of Diamond Bar Planning Department (Mitigation Measure 8-6).	Planning Manager	
12	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 (Mitigation Measure 8-7).	Community Development Director	Final Tract Map Recordation
13	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 (Mitigation Measure 8-8).		
Cultural Resources			
14	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 (Mitigation Measure 11-1)	Community Development Director and City Engineer	Issuance of Grading Permits

	Cultural Resources (Continued)		
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**JANUARY 2012 “SITE D” SPECIFIC PLAN
 FINAL MITIGATION REPORTING AND MONITORING PROGRAM**

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
15	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 (Mitigation Measure 11-2).	Building Inspector	Construction Term
16	If human remains are encountered unexpectedly during construction excavation and grading activities, Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Section 5097.98 of the Public Resources Code. If the remains are determined to be of Native American descent, the County Coroner has 24 hours to notify the California Native American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent of the deceased Native American, who will then help determine what course of action should be taken in dealing with the remains (Mitigation Measure 11-3).		
17	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 (Mitigation Measure 11-4).	Community Development Director	Issuance of Grading Permits
18	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 (Mitigation Measure 11-5).	City Engineer	
19	The paleontologist shall establish a curation agreement with an accredited facility prior to grading permit issuance (Mitigation Measure 11-6).		
Cultural Resources (Continued)			

**JANUARY 2012 “SITE D” SPECIFIC PLAN
 FINAL MITIGATION REPORTING AND MONITORING PROGRAM**

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
20	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 (Mitigation Measure 11-7).	Building Inspector	Construction Term
21	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 (Mitigation Measure 11-8).	Community Development Director	Grading Sign-Off
	Aesthetics		
22	All pole-mounted or wall-mounted luminaires installed for the purpose of illuminating homes, public park areas, private roadways, and driveways shall conform to appropriate lighting standards and demonstrate, to the satisfaction of the City Engineer, that light trespass will 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 public streets or to any entry feature or other City-oriented signage to be constructed on or adjacent to the project site (Mitigation Measure 12-1).	City Engineer	Building Permit Issuance