

SECTION 2.0

Introduction and Purpose



2.0 INTRODUCTION AND PURPOSE

2.1 PURPOSE

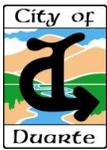
The City of Duarte (City) is the lead agency under the *California Environmental Quality Act (CEQA)*, and has determined that an Environmental Impact Report (EIR) is required for the Duarte Station Specific Plan (State Clearinghouse No. 2013041032). This EIR has been prepared in conformance with *CEQA (California Public Resources Code [PRC] Section 21000 et seq.)*; *CEQA Guidelines (California Code of Regulations [CCR], Title 14, Section 15000 et seq.)*; and the rules, regulations, and procedures for implementation of CEQA, as adopted by the City of Duarte. The principal *CEQA Guidelines* sections governing content of this document are Section 15378 (Definition of a Project), Sections 15120 through 15132 (Contents of Environmental Impact Reports), and Section 15168 (Program EIR).

DEFINITION OF A PROJECT UNDER CEQA

CEQA Section 20165 and CEQA Guidelines Sections 15378(a), (c) and (d) provide the definition of a project under CEQA:

- (a) *“Project” means an activity which may cause a direct physical change in the environment, or a reasonable foreseeable indirect physical change in the environment, and which is any of the following:*
 - (1) *An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700.*
 - (2) *An activity undertaken by a person, which is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.*
 - (c) *An activity that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.*
- (c) *The term “project” refers to the activity which is being approved and which may be subject to discretionary approvals by governmental agencies. The term “project” does not mean each separate governmental approval.*
- (d) *Where the Lead Agency could describe the project as either the adoption of a particular regulation under subdivision (a)(1) or as a development proposal which will be subject to several governmental approvals under subdivision (a)(2) or (a)(3), the Lead Agency shall describe the project as the development proposal for the purpose of environmental analysis. This approach will implement the Lead Agency principle as described in Article 4.*

In considering whether an activity is a “project,” an agency must look at all the parts, components, and phases of the activity.



The City of Duarte has determined that the proposed Duarte Station Specific Plan is a project as defined by CEQA Section 20165 and CEQA Guidelines Sections 15378(a), (c) and (d). In addition, the City of Duarte has determined that the proposed project is subject to CEQA and prepared an EIR.

PURPOSE OF EIR

The purpose of this EIR is to review the existing conditions, analyze potential environmental impacts, and identify feasible mitigation measures to avoid or lessen potentially significant effects of the proposed Duarte Station Specific Plan (proposed project, proposed Specific Plan), generally located at the northwest corner of Duarte Road and Highland Avenue. The project site is bounded by Evergreen Street and the Foothill Freeway (Interstate 210) to the north, Highland Avenue to the east, a single-family residential neighborhood to the west, and the Los Angeles Metropolitan Transportation Authority (Metro)-owned railroad right-of-way and Duarte Road to the south, in the City of Duarte. For more detailed information regarding the proposed project, refer to Section 3.0, Project Description.

PROGRAM EIR

This EIR has been prepared as a Program EIR in accordance with CEQA Guidelines Section 15168, which states the following:

- (a) *General. A Program EIR is an EIR, which may be prepared on a series of actions that can be characterized as one large project and are related either:*
 - (1) *Geographically,*
 - (2) *As logical parts in the chain of contemplated actions,*
 - (3) *In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or*
 - (4) *As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.*

- (b) *Advantages. Use of a Program EIR can provide the following advantages. The Program EIR can:*
 - (1) *Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action,*
 - (2) *Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis,*
 - (3) *Avoid duplicative reconsideration of basic policy considerations,*
 - (4) *Allow the Lead Agency to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts, and*
 - (5) *Allow reduction in paperwork.*

- (c) *Use with Later Activities. Subsequent activities in the program must be examined in the light of the Program EIR to determine whether an additional environmental document must be prepared.*



- (1) *If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration.*
- (2) *If the agency finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.*
- (3) *An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into subsequent actions in the program.*
- (4) *Where the subsequent activities involve site-specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR.*
- (5) *A program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed analysis of the program, many subsequent activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.*

CEQA Guidelines Section 15168 describes the proper process for Program EIRs, as follows (emphasis added):

Use of the Program EIR also enables the Lead Agency to characterize the overall program as the project being approved at that time. Following this approach when individual activities within the program are proposed, the agency would be required to examine the individual activities within the program to determine whether their effects were fully analyzed in the Program EIR. If the activities would have no effects beyond those analyzed in the Program EIR, the agency could assert that the activities are merely part of the program, which had been approved earlier, and no further CEQA compliance would be required. This approach offers many possibilities for agencies to reduce their costs of CEQA compliance and still achieve high levels of environmental protection.

In accordance with CEQA Guidelines Section 15121, the main purposes of this EIR are to:

- Provide decision-makers and the public with specific information regarding the environmental effects associated with the proposed project;
- Identify ways to minimize the significant effects of the project; and
- Describe reasonable alternatives to the project.

Mitigation measures are provided that may be adopted as conditions of approval to avoid or minimize the significance of impacts resulting from the project. In addition, this EIR is the primary reference document in the formulation and implementation of a mitigation monitoring program for the proposed project.

The City of Duarte (which has the principal responsibility of processing and approving the project) and other public (i.e., responsible and trustee) agencies that may use this EIR in the decision-making or permit process will consider the information in this EIR, along with other information that may be presented during the CEQA process. Environmental impacts are not



always able to be mitigated to a level considered less than significant; in those cases, impacts are considered significant unavoidable impacts. In accordance with *CEQA Guidelines* Section 15093(b), if a public agency approves a project that has significant impacts that are not substantially mitigated (i.e., significant unavoidable impacts), the agency shall state in writing the specific reasons for approving the project, based on the Final EIR and any other information in the public record for the project. This is termed per *CEQA Guidelines* Section 15093, a “statement of overriding considerations.”

This document analyzes the environmental effects of the project to the degree of specificity appropriate to the current proposed actions, as required by *CEQA Guidelines* Section 15146. The analysis considers the activities associated with the project to determine the short-term and long-term effects associated with its implementation. This EIR discusses both the direct and indirect impacts of this project, as well as the cumulative impacts associated with other past, present, and reasonably foreseeable future projects.

2.2 COMPLIANCE WITH CEQA

2.2.1 EIR SCOPING PROCESS

In compliance with *CEQA* and the *CEQA Guidelines*, the City of Duarte has provided opportunities for various agencies and the public to participate in the environmental review process. During preparation of the Draft EIR, efforts were made to contact various Federal, State, regional, and local government agencies and other interested parties to solicit comments on the proposed project. This included the distribution of a Notice of Preparation (NOP) to various responsible agencies, trustee agencies, and interested parties, in addition to a public scoping meeting held on Monday, April 22, 2013 at the Duarte Community Center located at 1600 Huntington Drive in Duarte. The meeting was held with the specific intent of affording interested individuals, groups, and public agencies a forum in which to provide input pertaining to the environmental effects of the proposed project in an effort to assist in further refining the intended scope and focus of the EIR, as described in the NOP.

Pursuant to *CEQA Guidelines* Section 15082, the City of Duarte circulated an NOP directly to public agencies (including the Office of Planning and Research’s State Clearinghouse), special districts, and members of the public who had requested such notice. The NOP and Initial Study were distributed on April 11, 2013, with the 30-day public review period concluding on May 13, 2013.

The purpose of the NOP was to formally announce the preparation of a Draft EIR for the proposed project, and as the Lead Agency, the City solicited input regarding the scope and content of the environmental information to be included in the EIR. The NOP and Initial Study provided preliminary information regarding the anticipated range of impacts to be analyzed within the EIR. The NOP is provided as Appendix A, Initial Study and Notice of Preparation, of this EIR, and NOP comments are provided as Appendix B, Notice of Preparation Comments.

The City of Duarte received a total of nine comment letters from State, regional, and local public agencies and the public:

- State of California, Public Utilities Commission
- State of California, Native American Heritage Commission



- State of California, Department of Transportation
- Los Angeles County Metropolitan Transportation Authority
- South Coast Air Quality Management District
- County of Los Angeles Fire Department
- County Sanitation Districts of Los Angeles County
- County of Los Angeles Department of Public Works
- Pierce Law Firm

The following environmental concerns were raised in response to the NOP (the numerical reference in parenthesis is the EIR section in which the analysis is provided) or the public scoping meeting. The NOP comments are contained in Appendix B. The topics raised during the NOP and scoping meeting process include the following issues.

The NOP comments included, but were not limited to, the following issues of controversy/issues to be resolved:

WRITTEN RESPONSES TO NOTICE OF PREPARATION

State of California, Public Utilities Commission

- Requested language be included in Specific Plan so that future development adjacent to the railroad right-of-way (ROW) is planned with the safety of the rail corridor in mind, including pedestrian circulation patterns or destinations and compliance with Americans with Disabilities Act.
- Consider application of mitigation measures if applicable related to improvements to existing at-grade crossings due to increase in traffic volumes, or fencing or other appropriate barriers to limit the access of trespassers onto the railroad ROW.

State of California, Native American Heritage Commission

- Recommends contacting the appropriate Information Center for a records search.

State of California, Department of Transportation

- Reference Caltrans' traffic study guide when preparing the traffic analysis.
- Traffic study should include a queue analysis of the W/B I-210 freeway off-ramp to Buena Vista Street using the Highway Capacity Manual (HCM) methodology.
- Analysis of existing, project-related, and cumulative project traffic in the affected area, including freeways, interchanges, and High Occupancy Vehicle (HOV) facilities.
- Model project travel consistently with other regional and local modeling forecasts.
- Analyze ADT, AM and PM peak-hour volumes for both existing and future conditions.
- Discussion of mitigation measures.



- Fair share contribution towards pre-established or future improvements on the State Highway systems is considered acceptable mitigation (refer to Appendix B of the traffic study guide).

Los Angeles County Metropolitan Transportation Authority (LACMTA or Metro)

- The Metro Gold Line Light Rail will operate weekday peak service as often as every five minutes in both directions. Trains may operate 24 hours a day, seven days a week.
- Consider the proximity of residential units and other sensitive land uses near the Metro Gold Line and Duarte Station as the expectation is that the Metro Gold Line will run on standard ballasted tracks, which will produce noise, vibration, and visual impacts.
- The EIR should disclose that the Metro Gold Line and associated facilities are an approved project with known, approved, and addressed impacts, including but not limited to noise, and vibration. In addition, the EIR should disclose the 125-space surface parking facility at the southwest corner of Business Center Drive and Highland Avenue.
- Development applicants should review and convey a Noise Easement to LACMTA for proposed development.
- The City and/or project applicants should notify LACMTA of any changes to the construction/building plans that may impact the current and projected use of the railroad ROW.
- LACMTA encourages the incorporation of transit-oriented, pedestrian-oriented parking strategies such as the reduction or removal of minimum parking requirements or shared parking opportunities.
- LACMTA encourages an analysis of non-motorized transportation modes and consideration of improved non-motorized access to the station including pedestrian connections and bike lanes/path.
- Traffic analysis should include CMP analysis, if the criteria is met.

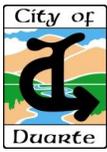
South Coast Air Quality Management District

- Identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project.

County of Los Angeles Fire Department

FORESTRY DIVISION

- Analyze potential impacts if project site is within Very High Fire Hazard Severity Zone or Fire Zone 4.



HEALTH HAZARDOUS MATERIALS DIVISION

- Recommends preparation of a Phase I study to discuss historical and current uses on the site and if there is the use or storage of hazardous materials.

County Sanitation Districts of Los Angeles County

- To estimate the volume of wastewater generated by a project, use Table 1, Loading for Each Class of Land Use on the Districts' website site, under Wastewater & Sewer Systems, Will Serve Program.
- The County Sanitation Districts require connection fees for connecting to the sewer system or increasing the quantity of wastewater.
- The design capacities of the County Sanitation Districts wastewater treatment facilities are based on regional growth forecasts by the Southern California Association of Governments (SCAG). The available capacity of the treatment facilities is limited to levels associated with the approved growth identified by SCAG.

County of Los Angeles Department of Public Works

HYDROLOGY AND WATER QUALITY

- The EIR should include a Hydrology Study/Water Quality Management Plan.
- Connections to existing Los Angeles County Flood Control District drains/facilities that are intended to be transferred to the Flood Control District require a connection/construction permit prior to construction.

UTILITIES AND SERVICE SYSTEMS

- Discuss the collection and disposal of additional wastewater generated by the proposed project, and the impacts on available capacity in existing local sewer lines for both peak-dry and wet-weather flows.
- Sewer construction must comply with Public Works' sewer design and construction standards prior to acceptance in the District.

Pierce Law Firm

- Clarification on CEQA definition of a project.
- Cumulative impacts associated with City of Hope's expansion plans.
- Requests inclusion of alternative if residential, hotel, and commercial uses are not supported by market forces.

WRITTEN OR VERBAL COMMENTS FROM SCOPING MEETING

- None.



2.2.2 PUBLIC REVIEW OF DRAFT EIR

The Draft EIR is subject to a 45-day review period by responsible and trustee agencies, the public and any interested parties. *CEQA Guidelines* Section 15087 lists optional procedures for noticing, including publication in a newspaper, posting on-site, or mailing to owners of a property or properties contiguous to the site. In accordance with the provisions of *CEQA Guidelines* Sections 15085(a) and 15087(a)(1), the City of Duarte, serving as the Lead Agency shall (1) publish a Notice of Availability (NOA) of a Draft EIR; and (2) prepare and transmit a Notice of Completion (NOC) to the State Clearinghouse. Proof of publication is available at the offices of the Lead Agency. Further, an electronic copy of the Draft EIR is available for review on the City's official website (www.accessduarte.com), and hard copies of the Draft EIR are available for review at the City of Duarte (located at 1600 Huntington Drive, Duarte, CA 91010).

Any public agency or members of the public desiring to comment on the Draft EIR must submit their comments in writing to the lead agency indicated on the document's NOC/NOA prior to the end of the public review period. The Lead Agency will evaluate and prepare responses to all relevant written comments received from both citizens and public agencies during the public review period.

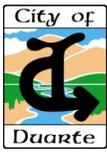
2.2.3 FINAL EIR

The Final EIR will consist of the Draft EIR, revisions to the Draft EIR (if any), responses to all written comments, and the mitigation monitoring and reporting program. At least ten days prior to the certification hearing, responses to the comments made by public agencies on the Draft EIR will be provided to the commenting agencies.

2.3 FORMAT OF THE EIR

The Draft EIR is organized into the following 10 sections and appendices:

- Section 1.0, Executive Summary, provides a brief project description and summary of the environmental impacts and mitigation measures.
- Section 2.0, Introduction and Purpose, provides CEQA compliance information.
- Section 3.0, Project Description, provides a detailed project description indicating project location, background, and history; project characteristics, phasing, and objectives; as well as associated discretionary actions required.
- Section 4.0, Basis for the Cumulative Analysis, describes the approach and methodology for the cumulative analysis.
- Section 5.0, Environmental Analysis, contains a detailed environmental analysis of the existing conditions, potential project impacts, recommended mitigation measures, and possible unavoidable adverse impacts for a number of environmental topic areas.
- Section 6.0, Alternatives to the Proposed Action, describes a reasonable range of alternatives to the project or to the location of the project that could avoid or substantially



lessen the significant impact of the project and still feasibly attain the basic project objectives.

- Section 7.0, Other CEQA Considerations, discusses growth-inducing impacts associated with the proposed project; significant environmental changes that would be involved with the proposed project, should it be implemented; significant irreversible environmental changes that would be involved with the proposed project, should it be implemented; and energy efficiency pursuant to CEQA Guidelines Appendix F.
- Section 8.0, Effects Found Not to be Significant, provides an explanation of potential impacts that have been determined not to be significant.
- Section 9.0, Significant Environmental Effects Which Cannot Be Avoided if the Proposed Action Is Implemented, describes those impacts that remain significant and unavoidable following mitigation.
- Section 10.0, References, identifies the Lead Agency and preparers of the EIR, as well as organizations and individuals consulted.

The following Appendices contain the technical documentation for the Draft EIR:

- A: Initial Study/Notice of Preparation
- B: Notice of Preparation Comments
- C: Public Service and Utility Correspondence
- D: Traffic Impact Analysis
- E: Air Quality/Greenhouse Gas Emissions Data
- F: Noise Data
- G: Hazardous Materials Documentation
- H. Hydrology and Water Quality

2.4 RESPONSIBLE AND TRUSTEE AGENCIES

Certain projects or actions undertaken by a Lead Agency require subsequent oversight, approvals, or permits from other public agencies in order to be implemented. Such other agencies are referred to as Responsible Agencies and Trustee Agencies. Pursuant to Sections *CEQA Guidelines* 15381 and 15386, Responsible Agencies and Trustee Agencies are respectively defined as follows:

“Responsible Agency” means a public agency, which proposes to carry out or approve a project, for which [a] Lead Agency is preparing or has prepared an EIR or Negative Declaration. For the purposes of *CEQA*, the term “responsible agency” includes all public agencies other than the Lead Agency, which have discretionary approval power over the project. (*CEQA Guidelines* Section 15381)

“Trustee Agency” means a state agency having jurisdiction by law over natural resources affected by a project, which are held in trust for the people of the State of California. Trustee Agencies include; The California Department of Fish and Wildlife, The State Lands Commission; The State Department of Parks and Recreation and The University of California with regard to sites within the Natural Land and Water Reserves System. (Section 15386)



Responsible and Trustee Agencies and other entities that may use this EIR in their decision-making process or for informational purposes include, but may not be limited to, the following:

- California Department of Toxic Substances Control
- California Department of Transportation
- City of Irwindale
- City of Monrovia
- City of Azusa
- City of Bradbury
- County of Los Angeles
- Duarte Unified School District
- Los Angeles County Fire Department
- Los Angeles County Sheriff's Department
- County Sanitation Districts of Los Angeles County
- Los Angeles County Metropolitan Transportation Authority
- South Coast Air Quality Management District
- Southern California Association of Governments
- State Water Resources Control Board
- California Public Utilities Commission
- United States Army Corps of Engineers

2.5 INCORPORATION BY REFERENCE

Pertinent documents relating to this EIR have been cited in accordance with *CEQA Guidelines* Section 15150, which encourages incorporation by reference as a means of reducing redundancy and length of environmental reports. The following documents are hereby incorporated by reference into this EIR. Information contained within these documents has been utilized for each section of this EIR. These documents are available for review at the City of Duarte Community Development Department, located at 1600 Community Drive, Duarte, California 91010.

- *City of Duarte Comprehensive General Plan 2005-2020 (General Plan), August 14, 2007.* The Duarte General Plan assesses and plans future uses for all property within the planning area. The General Plan establishes what the residents and businesses of Duarte want to preserve and achieve. The General Plan includes the following elements:
 - Safety;
 - Open Space and Conservation;
 - Noise;
 - Land Use;
 - Housing¹;
 - Historic Preservation;
 - Economic Development; and
 - Circulation.

¹ The City of Duarte 2008-2014 Housing Element was adopted on April 12, 2011.



- Duarte General Plan Update EIR (General Plan EIR), August 2007. The General Plan EIR analyzed potential environmental impacts associated with buildout of the City in accordance with the General Plan. The General Plan EIR assumes growth in residential, retail, office, and research and development uses over 2005/2006 conditions, as follows:
 - 726 residential dwelling units;
 - 248,744 square feet of retail uses;
 - 50,000 square feet of office uses; and
 - 360,000 square feet of research and development uses.

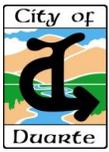
The General Plan EIR concluded that the following impacts could not be feasibly mitigated and would result in a significant unavoidable impact associated with implementation of the General Plan Update:

Air Quality

- Mobile and Stationary Source Emissions (Reactive Organic Gases)
- Short-Term Cumulative Impacts
- General Plan Buildout Cumulative Impacts

The City Council adopted a Statement of Overriding Considerations for these impacts on August 14, 2007. Both the Statement of Overriding Considerations and the Statement of Facts and Findings are referenced in Resolution No. 07-22.

- City of Duarte Municipal Code (current through Ordinance 838, passed July 31, 2012) (Municipal Code). The Municipal Code consists of regulatory, penal, and administrative ordinances of the City. It is the method the City uses to implement control of land uses, in accordance with General Plan goals and policies. The Development Code (Title 19 of the Municipal Code) identifies land uses permitted and prohibited according to the zoning category of particular parcels and establishes the development standards and regulations for each zone. The Building Laws (Title 16 of the Municipal Code) specify rules and regulations for construction, alteration, and building for uses of human habitation.



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