CHAPTER 5
LAND USE

(Exhibit A, Resolution 13-R-23)

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(Reserved for Specific Plans Table LU – 2)

1. City Center Mixed Use Area Specific Plan:

Some citizens of Duarte have wanted a downtown area for years. In 2003 the Duarte Downtown Task Force studied the creation of a downtown for Duarte. A "Town Center Concept Plan" was prepared by Moore Iacofano Goltsman, Inc (MIG). This plan identified Huntington Drive and Buena Vista as the primary axis of a mixed use Town Center. This document reviewed a series of concepts and workshop projects and arrived at a recommended concept plan for downtown which incorporated approximately 114,000 square feet of retail, 50,000 square feet of office, 388 housing units and 750 parking spaces. These proposed developments were to be located on two axes, Buena Vista Street as a north/south axis connecting to the Interstate 210 freeway and Huntington Drive, the east/west axis that is the main street of the city. The total land area identified for redevelopment or rehabilitation in the concept plan was approximately 28 acres.

The Town Center Concept Plan document prepared by MIG dealt extensively with community issues and certain aspects of design but did not deal in particular detail with either the political or financial commitments required for implementation of the plan. In mid 2005 the city hired Allan Kotin and Associates, an economic development consultant, to undertake an explicitly general but focused analysis of what was involved in implementing the MIG plan. Kotin gave particular emphasis to the challenges represented by property acquisition, the financial resources required both for property acquisition and to make up the "gap" between the cost of developing some of these projects and their likely completed value. Within the overall assessment of the plan, specific attention was devoted to issues associated with the prospect of near term issuance of a request for proposal for development of Phase One (the northeast corner of Huntington and Buena Vista.

Because of a variety of economic barriers associated with conventional redevelopment, the Kotin report suggested "It may be more appropriate to follow the Santa Monica or Old Pasadena model wherein the city makes meaningful investments in parking and streetscape improvements so as to enable individual merchants without massive redevelopment to redevelop their stores, enhance them etc. This is a 'enabling' approach to redevelopment rather than a buy land, write-down and scrape approach to redevelopment."

The concept of creating a specific plan area for a "City Center" whereby the city promotes mixed use, reduced parking and higher densities will greatly assist the private sector and existing merchants. Such a specific plan will provide for the private sector to make the investments necessary to create the desired outcome of a pedestrian friendly meeting place for Duarte residents.

The City Center Mixed Use Area is a new land use designation for the 2005 – 2020 General Plan. This mixed use is intended to create a unique area within the center of the community as a gathering spot where Duarte residents and business owners can come together to live, socialize and shop. An objective of the City Center area is to generate synergy and convenience to patrons and residents. The specific plan to implement this objective must provide flexibility in providing vertical and/or horizontal mixed high density and commercial uses. The high density residential component of the plan is not anticipated to exceed 165 dwelling units and 165,000 sq. ft. of commercial uses. The Specific Plan which will be the implementation tool for this area must also provide unique parking standards, sufficient residential densities, housing types and appropriate pedestrian friendly design to provide the needed synergy to make this project work economically and visually in the short and long term.

2. *Duarte Station Specific Plan, (formerly known as the Gold Line Station Area Development Specific Plan)*:

~~The Metro Gold Line will eventually provide alternate mobility to residents and businesses in the San Gabriel Valley from Montclair to downtown Los Angeles. This light rail system currently runs from South Pasadena to Downtown Los Angeles with thirteen stations now open. The next phase of the system, known as Planned Segment 1, will continue from South Pasadena 11.4 miles to Azusa with six additional stations including one in Duarte. Five additional stations are planned in Planned Segment 2 from Azusa, 12.5 miles to Montclair. With congestion expected to double within thirty years, transit oriented development around the Gold Line stations will provide relief from current and future gridlock. While timing of the Duarte segment is not certain, it is anticipated this segment will be operating by 2010 at the earliest.~~

~~The Duarte Gold Line station will be located north of Duarte Road and about 400 feet west of Highland Avenue within the vicinity of City of Hope. The area to the north of the station includes about twenty acres of industrial buildings. For purposes of this Land Use Element, it is anticipated this area should be designated a specific plan area. This specific plan should provide for a mixed use transit oriented development. For planning purposes a maximum of 100,000 sq. ft. of retail and office could be accommodated within this area. In addition up to 120 multiple family residential units could be built within this area. Gold Line ridership estimates could eventually require up to 500 parking spaces in close proximity to the Duarte station. The concept is to work with existing property owners and businesses to formulate a specific plan that provides for the before mentioned uses, densities and intensities as well as development standards for a true transit oriented development.~~

~~The Gold Line Station Area Development Specific Plan is a new land use designation for the 2005 – 2020 General Plan. As with the City Center area, this~~

~~area is intended to create a unique area oriented towards the future Gold Line station in Duarte. This flexible mixed use area will be located north of the Gold Line station in what is now part of the industrial park west of Highland Avenue. This mixed use area will also use a specific plan as an implementation tool to achieve the desired objective. The desired objective is to reduce vehicle miles traveled, provide transportation options for existing and future workforce and residents around the Gold Line station, provide location efficiency, expanded mobility, and provide public/private financial return and value recaptured. The specific plan to implement this objective must provide flexibility in providing vertical and/or horizontal mixed high density residential, commercial uses, office, R&D and industrial uses. As with the City Center plan the Gold Line station Specific Plan which will be the implementation tool for this area must also provide unique parking standards, sufficient residential densities, housing types and appropriate pedestrian friendly design to encourage usage of the Gold Line as a primary mode of travel. Because the timing of the Gold Line station opening is unknown, this Specific Plan must provide even more flexibility for future needs.~~

The first policy vision of a future Transit-Oriented Development (TOD) for the area adjacent to the Duarte Goldline Station was conceptualized in the 2007 adoption of the Duarte General Plan 2005-2020, in which the City Council approved the Gold Line Station Area Development Specific Plan land use designation, envisioning the construction of up to: 120 units of multiple-family residential, 100,000 s.f. office space, and up to 500 parking stalls for the Goldline Station. General Plan Amendment 13-1 and related Duarte Station Specific Plan Environmental Impact Report amended the land use designation from Gold Line Station Area Development Specific Plan to Duarte Station Specific Plan (DSSP) for the three parcels identified in the Plan Area and located immediately north of the Duarte Gold Line Station.

Many things have changed since the 2007 General Plan and General Plan Amendment 13-1 was necessary for several reasons. Since 2007, changes in the market and overall economy created a new reality in the types and concentrations of uses that can succeed in the Plan Area. The City and region in general have been exposed to TOD concepts and the new economic reality from the last economic downturn, making many of the TOD land use projections from 2007 unrealistic. For instance, the creation of up to 120 residential units is far too small of a development on 19 acres and is economically unfeasible due to property acquisition and construction costs. Furthermore, the significant retail component sought by the IBI study is unlikely at the Duarte Station due to its

proximity to freeways and a large population base, as well as changes to the retail landscape from 2008. Secondly, the City has approved two revised Housing Elements and is anticipating an additional revision by February 2014. In

context of the DSSP, the Housing Element provides potential housing opportunity sites that must comply with the Regional Housing Needs Assessment, including those units that may be produced through implementation of the DSSP.

The City's 2007 General Plan designated the 19.08 acre parcels (3) as the Gold Line Station Area Development Specific Plan land use designation. The DSSP project required that General Plan Amendment 13-1 be adopted to reflect the community's commitment to a vibrant, mixed-use transit village near the light rail station. General Plan Amendment 13-1 amended the land use designation from Gold Line Station Area Development Specific Plan to Duarte Station Specific Plan for the three parcels identified in the Plan Area. The DSSP would permit the maximum development potential of up to 475 high-density residential uses, 250 hotel rooms, 400,000 square feet of office, and 12,000 square feet of commercial uses.

Zoning Consistency and Land Use Composition

State law requires the Zoning Ordinance and Zoning Map to be consistent with the General Plan. The Zoning Ordinance is the primary tool for implementing land use policy. Each General Plan land use designation must have one or more corresponding zone districts. In addition the land use regulations and development standards in the Zoning Ordinance must reflect the policy statements in the Land Use Element. While General Plan policies are general, Zoning Ordinance regulation and development standards are specific.

Table LU-3 identifies the relationship between land use designation and the zoning districts.

Table LU-3 also identifies the net acreage within each land use designation as shown on the Land Use Diagram LU-1. This diagram serves as the guide for future land use decisions made by City Staff, various City Commissions, and the City Council. Because Duarte is built out, most of the planned land uses shown on Diagram LU-1 correspond to existing development on the ground today. Table LU-3 lists acreage for each land use designation in accordance with the Land Use Diagram.

Table LU-3
General Plan and Zoning Consistency

Land Use Designation	Corresponding Zoning Districts	Acres
Very Low Density Residential	R-1F, R-1D, R-1B	120
Low Density Residential	R-1A, R-1,	645
Medium Density Residential	PUD, R-MH, R-2, R-3	89
High Density Residential	R-4	52
Administrative Professional	C-P	4
Neighborhood Commercial	C-1	3
General Commercial	C-2	92
Hospital	H	78
R&D	R&D	15
Industrial	M-1	53
Public School	P-F	80
City Owned Facilities	P-F	12
County Owned Facilities	P-F	2
Edison, Flood Control, Railroad	O	95
Streets and Freeway	None	478
Parks	O	39
Wilderness Areas	O	422
National Forest	O	1,909
Planned Communities and areas	Varies	131
City Center Mixed Use Area	SP	11
~~Gold Line Station Area Development~~ *Duarte Station Specific Plan*	SP	~~20~~ *19*
Total Acres		4,350

Note: a factor of .0015625 is used to convert acres to square miles. 4,350 acres = 6.8 sq. miles

Development Capacity

The Land Use Element is required to include standards of population density and building intensity. Table LU-4 provides a statistical description of the anticipated densities or intensities for the twenty-one (21) General Plan land use designations within the City. The maximum allowable development on individual parcels is governed by these measures of density or intensity.

For various reasons, many parcels in the community have not been developed to their maximum density or intensity. In the future, development is anticipated to occur in a similar manner with only a limited number of properties being developed at the maximum density or intensity. Therefore, for much of the

community, the projected (anticipated) future development intensity and density listed in Table LU-4 is based upon the intensity/density of existing development.

Also, not all the acreage within each land use designation may be developed during the life of this General Plan which is the year 2020. As an example the Gold Line Specific Plan development is dependant upon the completion of the Gold Line through Duarte. This will not happen until about 2010 at the earliest. Also, depending on the status of future redevelopment law, the City Center Specific Plan may not occur. However for planning purposes all acreage in all land use designations was calculated for development.

Anticipated density and intensity is for planning purposes only and exceeding them on individual properties will not require a General Plan Amendment. Development can occur up to the maximum allowed density or intensity with required site and/or design review. Density bonus of at least 25 percent is required by state law to be offered for certain low or very low income housing developments. Table LU-4 also includes the planned land use and/or development densities/intensities for the "City Center" and "Gold Line Station" Special Planning Areas. Table LU – 4 shows the 2020 General Plan has a build-out capacity of 25,418 estimated population, 7,702 estimated units, and 9,953,071 estimated non-residential square footage.

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Table LU- 4
Density, Population Estimates and Intensity Potentials

LAND USE DESIGNATION	ANTICIPATED DEVELOPMENT		ACRES	ESTIMATED DWELLING UNITS	ESTIMATED POPULATION	ESTIMATED SQ. FT. NON-RES.*
	DU/ACRE	FAR/ACRE				
Residential Land Use Classification						
Very Low Density	2.5	N/A	120	300	990	N/A
Low Density	6	N/A	645	3,870	12,771	N/A
Medium Density	15	N/A	89	1,335	4,406	N/A
High Density	23	N/A	52	1,196	3,947	N/A
Commercial Land Use Classification						
Neighborhood	N/A	.25:1	3	NA	NA	32,670
General	N/A	.5:1	92	NA	NA	2,003,760
Administrative Professional	N/A	.5:1	4	NA	NA	87,120
Hospital Use Classification						
Hospital	N/A	1.5:1	78	NA	NA	5,096,520
R&D	N/A	1.5:1	15	NA	NA	980,100
Industrial Use Classification						
Industrial	N/A	.5:1	53	NA	NA	1,154,340
Public/Quasi Public Classification						
Public School	N/A	N/A	80	-	-	-
City owned facilities	N/A	N/A	12	-	-	-
County owned facilities	N/A	N/A	2	-	-	-
Utility easements	NA	N/A	95	-	-	-
Streets, Freeway	N/A	N/A	478	-	-	-
Open Space Classification						
Parks	N/A	N/A	39	-	-	-
Wilderness Area	N/A	N/A	422	-	-	-
National Forest	N/A	N/A	1,909	-	-	-
Specific Plan Areas Classification						
Planned community and areas **	N/A	N/A	131	716	2,363	333,561
City Center Mixed Use Area	varies	varies	11	165	545	165,000
~~Gold Line Station Area Development~~ *Duarte Station Specific Plan^*	~~varies~~ *40-70 du/acre*	~~varies~~ *2.0 max*	~~20~~ *19.08*	~~120~~ *475*	~~396~~ *1,430*	~~100,000~~ *400,000 office/12,000 retail/250-room hotel*
Total			4,350	7,702	25,418	9,953,071

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*Note: Estimated residential dwelling units use California Department of Finance population of 3.3 persons per household (June 2006). * Estimated sq. ft. non-residential is based on the FAR.*

*** The Planned Community and Areas designation refers to projects already approved. These are either residential or commercial projects and are not mixed use developments. As a result, they are counted in the respective residential or commercial land use category.*
^ Based on the Duarte Station Specific Plan EIR and theoretical development scenario.

IMPLEMENTATION MEASURES

Government Code 65400 requires the legislative body to consider and adopt reasonable and practical means for implementing the general plan. This is necessary so that the plan will serve as an effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan. The State also requires an annual report to the legislative body, State Department of Housing and Community Development (HCD) and State Office of Planning and Research on the status of the plan and progress in implementing the plan. HCD checks to see if the city is making progress in meeting its fair share of regional housing needs and if the Land Use Element Diagram reflects policies found in the Housing Element.

This section provides an implementation matrix for policies found in the Land Use chapter. The matrix identifies the policy to be implemented, the implementation measure to be used for that policy, the responsible agency or department that will be implementing the measure, the funding source and the estimated timeframe to complete the implementation.

Responsible Agency:

All = All Departments	AS = Administrative Services
CD = Community Development	PS = Public Safety
CM = City Manager	P&R = Parks and Recreation

Funding Source:

GF = General Fund	SF= State funds
RA = Redevelopment Agency	FF = Federal Funds
G = Grants	OF = Other Funds
DF = Development Fees	

Implementation Timeframe (or as resources provide):

ST = Short-term by 2009	LT = Long Term by 2020
MT = Mid-term by 2015	On = Ongoing

Table LU - 5
Land Use Implementation Measures

Policy #	Implementation Measure	Responsible Agency	Funding Source	Time frame
LU 1.1.1	Prepare market studies to see if Duarte can attract and sustain national or regional quality restaurants and stores.	CD	GF, OF	On
LU 1.1.2	Zone sufficient land for a balanced mix of residential uses.	CD	GF	ST
LU 1.1.3 LU 1.1.4 LU 1.1.5 LU 1.1.6	Re-designate appropriate areas for high density residential during the General Plan update process of 2005-06	CD	GF	ST
LU 1.17	Keep abreast of current economic development opportunities and pursue those which will implement this policy.	CM	RA, GF	On
LU 1.1.8	This project will not provide for low and moderate housing but in-lieu fees will be collected and other properties will be designated for low and moderate income housing	CD	GF	ST
LU 2.1.1	Review the zoning ordinance and design guidelines to insure adequate development and aesthetic standards. Require all infill development projects to undergo review by the Architectural Design Review Board and be consistent with design guidelines. Work to prevent light spillage from one land use to another.	CD	GF	On
LU 2.1.2	Conduct an annual review of activity on Huntington Drive to determine applicability of General Plan policies. Utilize the Redevelopment Agency's authority to acquire incompatible activities.	CD	GF, RA	On
LU 2.1.3	New commercial development along Huntington Drive should be concentrated in nodes at key intersections. Continue to support the Architectural Review Board and its review of all commercial projects in the city. Utilize the community design manual to insure neighborhood commercial uses are aesthetically compatible with existing neighborhoods.	CD	GF, RA	On
LU 2.1.4	Revise the zoning ordinance to encourage research and development-oriented uses associated with City of Hope and/or other high quality businesses.	CD	GF	ST
LU 2.1.5	Comply with implementation measures of the	CD	GF	On

	Safety Element.			
LU 2.1.6	Use the city's development review process to regulate hillside development.	CD	GF	On
LU 2.1.7	Designate these uses as nonconforming land uses and initiate abatement procedures which will allow for their removal.	CD	GF	MT
LU 3.1.1	Designate specific plan areas on the Land Use Diagram	CD	GF	MT
LU 3.1.2 LU 3.1.6	Provide for vertical and/or horizontal mixed use with unique parking and design standards. Encourage land use intensification of the proposed City Center area for mixed-use development with an emphasis on retail development on the ground floor and higher density residential on upper floors. Work to improve parking issues relative to overall numbers and proximity to businesses.	CD	GF	MT
LU 3.1.3	Continue to perform studies relative to land, relocation, demolition, remediation and construction cost. Identify potential businesses to locate in the City Center area.	CD	RA, GF	On
LU 3.1.4 LU 3.1.6	Work with existing property owners to develop a Specific and Strategic Plan for the area immediately after the General Plan is adopted.	CM, CD	RA, GF	ST
LU 3.1.5	Monitor the progress of the Duarte Gold Line station on a monthly basis.	CM, CD	GF	On

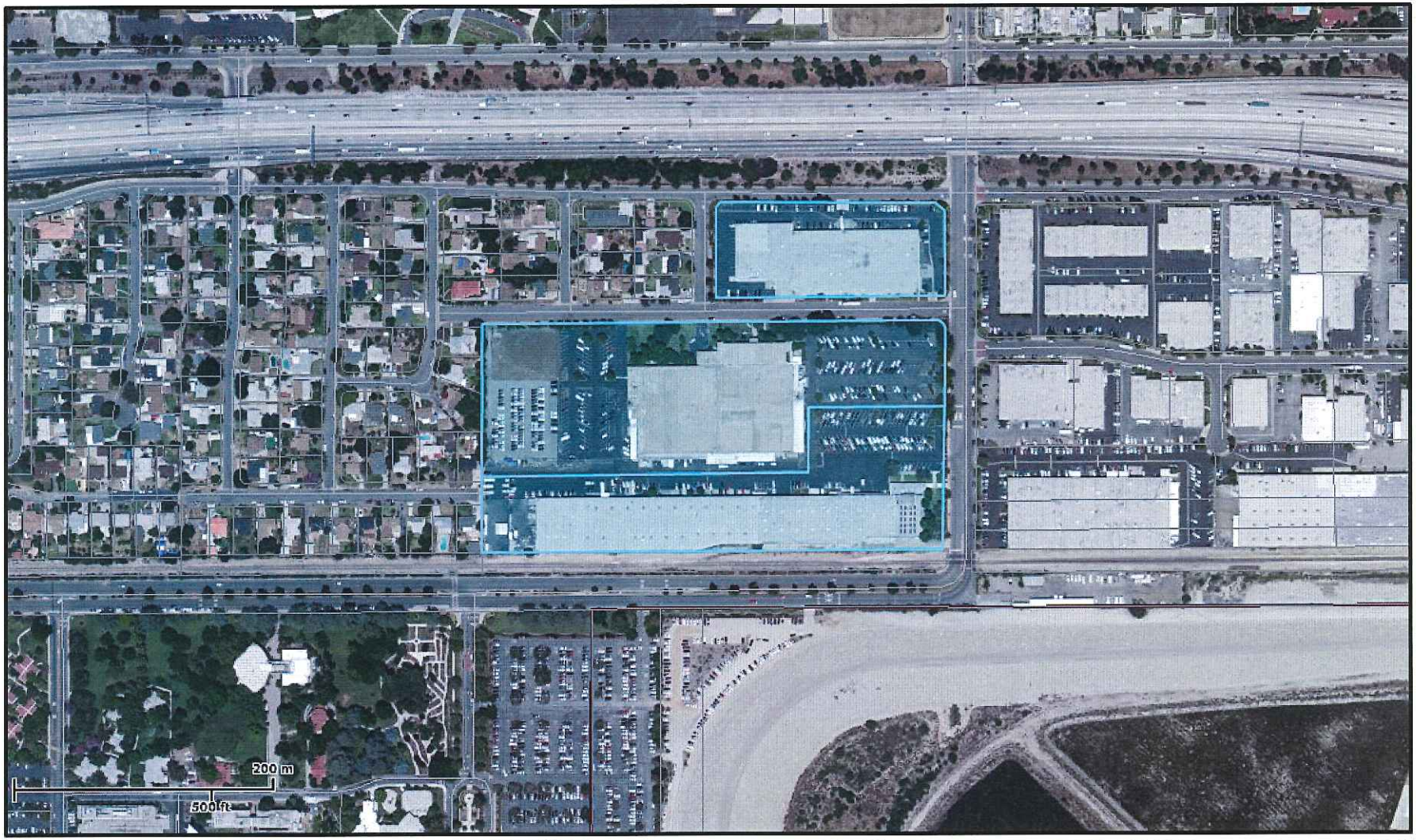
REVISIONS:

1. November 2013 - List of text revisions. Changes related to adoption of Duarte Station Specific Plan.

Deletions shown as ~~strikethrough text~~
Additions shown as *gray highlighted, italicized text*

SUBJECT PROPERTIES

EXHIBIT B
RESOLUTION 13-R-23



1" = 376 ft	DUARTE STATION SPECIFIC PLAN	11/26/2013	N W E S	

This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Duarte staff for the most up-to-date information.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ADOPTING THE DUARTE STATION SPECIFIC PLAN DEFINING PERMITTED USES, REGULATING THE SIZES AND LOCATIONS OF BUILDINGS, SPECIFYING DESIGN GUIDELINES AND DEVELOPMENT STANDARDS, IDENTIFYING PROJECT INFRASTRUCTURE AND SERVICES, PROVIDING ADMINISTRATIVE AND IMPLEMENTATION LANGUAGE, AND DEPICTING A CONCEPTUAL DEVELOPMENT SCENARIO FOR THREE PARCELS OF LAND GENERALLY LOCATED AT THE NORTHWEST CORNER OF DUARTE ROAD AND HIGHLAND AVENUE (APN 8528-011-020, 8528-011-022, AND 8528-011-023)

WHEREAS, the Planning Commission of the City of Duarte ("Planning Commission") held public hearings on October 21 and November 4, 2013, and considered the proposed Duarte Station Specific Plan ("DSSP"), which provides, among other provisions, for the planned use and phased development of real and improved property on three parcels generally located at the northwest corner of Highland Avenue and Duarte Road (APN 8528-011-020, 8528-011-022, and 8528-011-023), for a vibrant, mixed-use, transit-oriented development adjacent to the Duarte Gold Line light rail station.

WHEREAS, after careful study and the completion of the duly noticed public hearings, the Planning Commission adopted Resolution No. PC 13-5 recommending the City Council approve the DSSP, defining permitted uses, regulating the sizes and locations of buildings, specifying design guidelines and development standards, identifying project infrastructure and services, providing administrative and implementation language, and depicting a conceptual development scenario; and

WHEREAS, notice of a public hearing of the City Council on the proposed DSSP was given in accordance with applicable law. A copy of the proposed DSSP as presented to the City Council is on file with the Community Development Department at City Hall, 1600 Huntington Drive, Duarte, California 91010; and

WHEREAS, on November 26, 2013, the City Council of the City of Duarte held a duly noticed public hearing on the proposed DSSP, all of the related implementing provisions amending the General Plan and Zoning, and related environmental review. At the public hearing the City Council received and independently considered the staff report and all of the information, evidence, and testimony presented in connection with the foregoing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ORDAINS AS FOLLOWS:

Section 1. The Recitals above are true and correct and incorporated herein by this reference.

Section 2. The City Council hereby accepts the recommendation of the Planning Commission to adopt the DSSP, defining permitted uses, regulating the sizes and locations of buildings, specifying design guidelines and development standards, identifying project infrastructure and services, providing administrative and implementation language, and depicting a conceptual development scenario.

Section 3. The City Council hereby adopts the DSSP, on file with the Community Development Department and as presented to the City Council at the time of the adoption of this Ordinance, and the City Council hereby ratifies and approves any and all actions taken by the staff, departments, and commissions of the City of Duarte prior to the adoption of this Ordinance for the preparation, review, and consideration of the DSSP.

Section 4. In adopting the DSSP, the City Council finds and determines the following: (a) that the adoption of the DSSP is consistent with the City's General Plan; (b) that the adoption of the DSSP is in the best interest and welfare of the City and its residents; (c) that the adoption of the DSSP designation is the highest and best use for the subject property; and (d) that the DSSP, and the adoption thereof, complies with Government Code Sections 65450-65457.

Section 5. The City Council finds and determines that the adoption of the DSSP is in compliance with the California Environmental Quality Act pursuant to Public Resources Code Section 21000 *et seq.* ("CEQA"), and State regulations in Title 14 of the California Code of Regulations, Section 15000 *et seq.* ("CEQA Guidelines") because a Final Program Environmental Impact Report and Mitigation Monitoring and Reporting Program for the DSSP have been prepared and circulated for public review and comment, and have been certified by the City Council prior to the City Council's action on the DSSP.

Section 6. If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council herby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end the provisions of this Ordinance are declared to be severable.

Section 7. This Ordinance shall take effect thirty (30) days after its adoption. The City Clerk shall certify to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner provided for in the Duarte Municipal Code.

PASSED, APPROVED, AND ADOPTED after second reading at a regular meeting of the City Council of the City of Duarte this ___ day of _____, 2013.

_____
MAYOR MARGARET FINLAY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. ____ was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the _____ day of _____ , 2013, by the following Roll Call vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

_____
City Clerk Marla Akana
City of Duarte, California

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, REVISING THE DUARTE MUNICIPAL CODE BY CHANGING THE ZONING OF THREE PARCELS OF LAND FROM THE LIGHT INDUSTRIAL (M) ZONE TO DUARTE STATION SPECIFIC PLAN ZONE (APN 8528-011-020, 8528-011-022, AND 8528-011-023) (ZONE CHANGE 13-1)

WHEREAS, the Planning Commission of the City of Duarte ("Planning Commission") held public hearings on October 21 and November 4, 2013, and considered the proposed Duarte Station Specific Plan ("DSSP"), which provides, among other provisions, for the planned use and phased development of real and improved property, on three parcels of land generally located at the northwest corner of Highland Avenue and Duarte Road (APN 8528-011-020, 8528-011-022, and 8528-011-023), for a vibrant, mixed-use, transit-oriented development adjacent to the Duarte Gold Line light rail station; and

WHEREAS, the Planning Commission, in connection with the implementing actions necessary for the adoption of the DSSP, considered the proposed Zone Change 13-1, which changes the zoning and modifies the City of Duarte Zoning Map for the parcels described in Section 4 of this Ordinance from the Light Industrial (M) Zone to the Duarte Station Specific Plan Zone; and

WHEREAS, after careful study and the completion of the duly noticed public hearings, the Planning Commission adopted Resolution No. PC 13-4 recommending the City Council approve the proposed Zone Change 13-1; and

WHEREAS, notice of a public hearing of the City Council on the proposed DSSP, and corresponding Zone Change 13-1, were given in accordance with applicable law; and

WHEREAS, on November 26, 2013, the City Council of the City of Duarte held a duly noticed public hearing on the proposed DSSP, Zone Change 13-1, all other related implementing provisions amending the General Plan, and related environmental review. At the public hearing the City Council received and independently considered the staff report and all of the information, evidence, and testimony presented in connection with the foregoing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ORDAINS AS FOLLOWS:

Section 1. The Recitals above are true and correct and incorporated herein by this reference.

Section 2. The City Council hereby accepts the recommendation of the Planning Commission to adopt Zone Change 13-1.

Section 3. The City Council hereby adopts Zone Change 13-1, which changes the zoning of the parcels described in Section 4 of this Ordinance from the Light Industrial (M) Zone to the Duarte Station Specific Plan Zone, and the City Council hereby amends the "City of Duarte Zoning Map", as adopted pursuant to Section 19.06.020 of the Duarte Municipal Code, by zoning the parcels described in Section 4 of this Ordinance as the Duarte Station Specific Plan Zone. The City Council hereby ratifies and approves any and all actions taken by the staff, departments, and commissions of the City of Duarte prior to the adoption of this Ordinance for the preparation, review, and consideration of Zone Change 13-1.

Section 4. Attached hereto as Exhibit "A" is a map entitled "Subject Properties," which depicts the properties to be designated as the Duarte Station Specific Plan Zone by this Ordinance, and which map is incorporated herein by this reference.

Section 5. In adopting Zone Change 13-1, the City Council finds and determines the following: (a) that the adoption of Zone Change 13-1 is in the best interest and welfare of the City and its residents; (b) that the adoption of Zone Change 13-1 is the highest and best use for the subject property; (c) that Zone Change 13-1, and the adoption thereof, complies with Government Code Sections 65853-65857; and (d) that the adoption of Zone Change 13-1 complies with Section 19.142.060(B) of the Duarte Municipal Code because: (i) the amendment is consistent with the General Plan and the applicable specific Plan, the DSSP, and (ii) the amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Section 6. The City Council finds and determines that the adoption of the DSSP, and corresponding Zone Change 13-1, are in compliance with the California Environmental Quality Act pursuant to Public Resources Code Section 21000 *et seq.* ("CEQA"), and State regulations in Title 14 of the California Code of Regulations, Section 15000 *et seq.* ("CEQA Guidelines") because a Final Program Environmental Impact Report and Mitigation Monitoring and Reporting Program for the DSSP have been certified by the City Council prior to the City Council's action on Zone Change 13-1 and the DSSP.

Section 7. This Ordinance shall not be codified but shall amend the City's General Zoning Map as set forth in Exhibit "A" attached hereto.

Section 8. If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council herby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end the provisions of this Ordinance are declared to be severable.

Section 9. This Ordinance shall take effect thirty (30) days after its adoption. The City Clerk shall certify to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner provided for in the Duarte Municipal Code.

PASSED, APPROVED, AND ADOPTED after second reading at a regular meeting of the City Council of the City of Duarte this ___ day of _____, 2013.

_____
MAYOR MARGARET FINLAY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. ____ was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the _____ day of _____ , 2013, by the following Roll Call vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

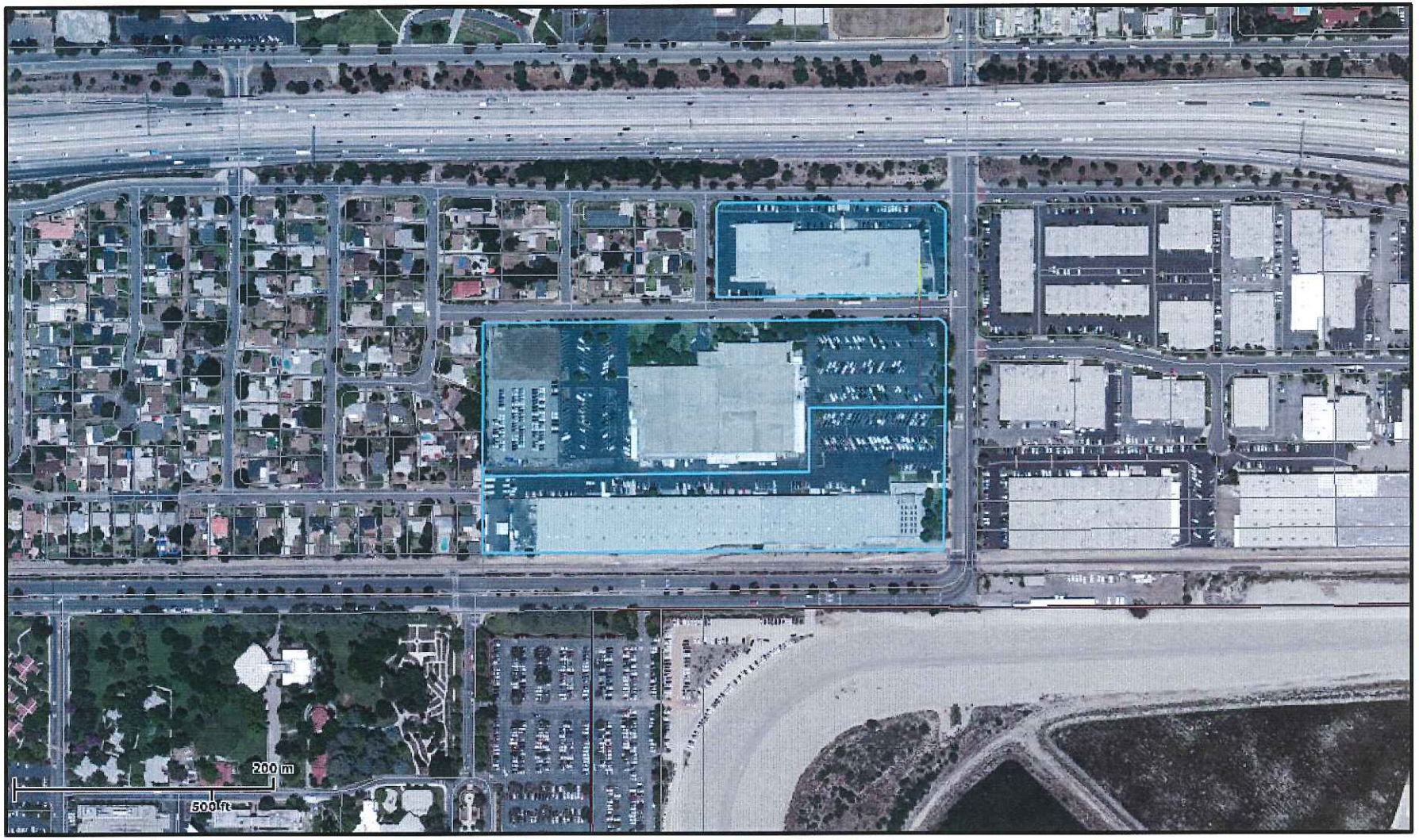
_____
City Clerk Marla Akana
City of Duarte, California

Attachments:

- Exhibit "A" - Subject Properties map

SUBJECT PROPERTIES

EXHIBIT A
ORDINANCE 13-O-06



1" = 376 ft	DUARTE STATION SPECIFIC PLAN	11/26/2013	N W E S	CITY OF DUARTE

This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Duarte staff for the most up-to-date information.

CITY COUNCIL RESOLUTION NO. 13-R-22

EXHIBIT "A"

STATEMENT OF FACTS AND FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE ENVIRONMENTAL EFFECTS FOR THE DUARTE STATION SPECIFIC PLAN

SCH NO. 2013041032

Lead Agency:

CITY OF DUARTE
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November 26, 2013

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1.0 STATEMENT OF FACTS AND FINDINGS

1.1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires that a Lead Agency issue two sets of findings prior to approving a project that would generate a significant impact on the environment. The Statement of Facts and Findings is the first set of findings where the Lead Agency identifies the significant impacts, presents facts supporting the conclusions reached in the analysis, makes one or more of three potential findings for each impact, and explains the reasoning behind the agency's findings.

The following statement of facts and findings has been prepared in accordance with the California Environmental Quality Act (CEQA) and Public Resources Code Section 21081. CEQA Guidelines Section 15091 (a) provides that:

> *No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding.*

The three finding categories available for the Statement of Facts and Findings pursuant to CEQA Guidelines Section 15091.

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The Statement of Overriding Considerations is the second set of findings. Where a project would cause unavoidable significant impacts, the Lead Agency may still approve the project where its benefits outweigh the adverse impacts. Further, as provided in the Statement of Overriding Considerations, the Lead Agency sets forth specific reasoning by which benefits are balanced against effects, and approves the project. These findings in the Statement of Overriding Considerations are presented in Section 7.0.

The City of Duarte (City), the CEQA Lead Agency, finds and declares that the Duarte Station Specific Plan Final Program Environmental Impact Report (EIR) has been completed in compliance with *CEQA* and the *CEQA Guidelines*. The City finds and certifies that the EIR was reviewed and information contained in the EIR was considered prior to approving the Duarte Station Specific Plan herein referred to as the "project."

Based upon its review of the EIR, the Lead Agency finds that the EIR is an adequate assessment of the potentially significant environmental impacts of the proposed project, represents the independent judgment of the City, and sets forth an adequate range of alternatives to this project.

The Final EIR is composed of the following elements:

- Duarte Station Specific Plan Draft Environmental Impact Report (dated September 2013)
- Draft Program EIR Technical Appendices
- Mitigation Monitoring and Reporting Program
- A list of persons commenting on the Draft EIR, Comments, and Responses
- Errata for Final EIR

2.0 PROJECT SUMMARY

2.1 DESCRIPTION OF PROJECT PROPOSED FOR APPROVAL

BACKGROUND

Beginning in 2005, the Metro Gold Line Foothill Extension Construction Authority (Authority) began working with the City of Duarte (City) to review the preliminary construction plans for the Light Rail Transit (LRT). At that time, the Authority introduced the idea of Transit Oriented Development (TOD) to cities along the LRT corridor and the benefits it may present to communities. The idea of TOD resonated with the City Council, and as such, the City began to contemplate the integration of TOD into the City's land use documents. In August 2007, the City Council adopted a comprehensively updated General Plan that included the re-designation of approximately 19 acres of industrial land uses near the future Gold Line Station from Industrial to the Gold Line Station Area Development Specific Plan land use designation. In 2007 and 2008, the City also participated in a Caltrans Community Based Transportation Grant. The grant was sponsored by the San Gabriel Valley Council of Governments, and produced a TOD visioning study for the project site based upon significant public outreach, a joint City Council and Planning Commission workshop with over 150 residents in attendance, and a summary presentation before the City Council in April 2008. All of these efforts have served as a catalyst for both the City Council and the community to realize a TOD development at the project site.

Since 2008, the City has entertained multiple development teams that have shown interest in initiating a TOD development at the project site; however, none have moved forward.

The Duarte City Council is committed to the realization of the Duarte Gold Line Station Area Development, and as such, supported City Staff's submittal of a Metro Transit Oriented Development (TOD) Planning Grant. The City was awarded the $400,000 grant and has led the efforts in preparation of a Gold Line Station Area Development Specific Plan.

DESCRIPTION OF PROJECT

The City-initiated Duarte Station Specific Plan (Specific Plan) is intended to establish the general type, parameters, and character of the development in order to develop an integrated TOD that is also compatible with the surrounding area. The Plan Area's proximity to freeways, major streets, and existing rail infrastructure makes the Duarte Station Specific Plan an ideal location for the integration of mixed uses and transit, along with facilitating economic development in Duarte.

MASTER LAND USE PLAN

The Master Land Use Plan provides flexibility for property owners to respond to market conditions and develop a mixed-use "transit village" that revitalizes the Plan Area through the

provision of multiple land uses that complement one another. Land uses consist of residential, office, hotel, commercial/retail, and open space. This mixture of land uses results in the availability of a variety of goods, services, and entertainment for residents, employees, or visitors to the Plan Area.

Land Use Designations

Based upon the Master Land Use Plan, the Specific Plan is establishing the following land use designations (refer to *Table 1, Master Land Use Plan Designations and Acreages*):

- Mixed Use
- Station Plaza Mixed Use
- High Density Residential
- Recreation/Open Space

Table 1
Master Land Use Plan Designations and Acreages

Land Use Designation	Acreage
Mixed Use	12.06
Station Plaza Mixed Use	0.81
High Density Residential	2.55
Recreation/Open Space	0.80
Roads	2.86
TOTAL	**19.08**

MIXED USE

The Mixed Use designation includes two categories of mixed use: General Mixed Use, and Station Plaza Mixed Use.

The General Mixed Use (MU) designation is intended to provide flexibility within the Plan to adapt to changing market conditions, and incorporates a mixed use approach that allows for a full range of high density residential, office, hotel, and commercial uses.

The Station Plaza Mixed Use (SP) designation is intended to provide for an integrated mix of uses in the area immediately surrounding the Gold Line Station. While the primary use in this classification is envisioned to be small-scale, local serving retail, some other commercial uses may be accommodated on upper floors provided they meet the development standards and guidelines.

HIGH DENSITY RESIDENTIAL

The High Density Residential (HDR) designation is intended to create a compact residential neighborhood within walking distance of the Gold Line Station. Residential densities are permitted between a minimum of 40 and a maximum of 70 units per acre for individual parcels.

A range of for-sale or rental housing types may be included in a development project, provided the total project meets the density standards.

RECREATION/OPEN SPACES

The Recreation/Open Space (OS/REC) designation provides for up to 0.80 acres of passive open space in the form of a greenbelt, which serves as a buffer between the high density residential area in the Plan Area and the existing single-family residential to the west of the project site. The eastern-most extension of the green space may be narrowed or broken up into smaller open spaces throughout the Plan Area.

In addition, a public plaza is planned near the Station and is intended to be a public gathering place and focal point along Highland Avenue that would include landscaping, hardscape features, and public amenities.

GOLD LINE PARKING

METRO will provide a surface parking lot with a minimum of 125 spaces at the southwest of Highland Avenue and Business Center Drive in the early phases of the Specific Plan, increasing to 250 by 2025. This parking is intended solely for users of the Gold Line. Ultimately, this parking is planned to be accommodated within a structure or incorporated within a mixed use building as a parking requirement on any future use.

DEVELOPMENT SCENARIO

For purposes of the environmental analysis, a development scenario that shows one potential implementation of the Master Land Use Plan has been identified; refer to *Table 2, Development Scenario*. The development program is anticipated to be implemented on development parcels totaling 15.42 acres of developable land, with 2.86 acres of internal project roads and 0.80 acres of open space. The ultimate land use would be determined at the time of site plan submittal for a specific parcel, subject to the development standards and permitted uses outlined in the Specific Plan.

Table 2
Development Scenario

Land Use	Residential (DU)	Non-Residential (SF)	Non-Residential (Hotel Rooms)
Retail		12,000	
Office		400,000	
Hotel			250
High Density Residential	475[1]		
Open Space			
Roads			
TOTAL	**475[1]**	**412,000**	**250**
Note: A minimum of 178 units shall be provided on Parcels F and H, as shown on Exhibit 3-5.			

GROWTH OVER EXISTING CONDITIONS

As shown in the *Table 3, Growth Over Existing Conditions*, the anticipated growth in residential and non-residential uses over year 2013 existing conditions within the Plan Area is:

- Addition of 475 dwelling units
- Addition of 98,045 square feet of non-residential uses (office, retail, hotel)
- Addition of 250 hotel rooms

Table 3
Growth Over Existing Conditions

Land Use	Residential (DU)	Non-Residential (SF)	Non-Residential (Hotel Rooms)
Existing			
Warehouse/Industrial		313,955	
Total		***313,955***	
Proposed Specific Plan			
Retail		12,000	
Office		400,000	
Hotel			250
High Density Residential	475		
Total	***475***	***412,000***	***250***
Difference Between Existing and Proposed	**+475**	**+98,045**	**+250**

PROJECT PHASING

It is anticipated that the proposed Duarte Station Specific Plan project would occur over multiple years based upon market conditions.

AGREEMENTS, PERMITS, AND APPROVALS

The City of Duarte is the Lead Agency for the project and has discretionary authority over the project which includes, but is not limited to, the following:

- Adoption of a Specific Plan/Zone Change
- Adoption of a General Plan Amendment – Text Changes to the Land Use Element relative to the Gold Line Station Area Development
- CEQA Documentation

2.2 STATEMENT OF OBJECTIVES

The Duarte Station Specific Plan includes the following Goals and Objectives to guide the intent and future development within the Specific Plan Area.

1. **GOAL: A MIXTURE OF LAND USES**

   a. *Objective*: Develop a flexible mixed-use land use pattern that incorporates retail, office, hospitality, and residential opportunities that will effectively complement each other and provide maximum land use efficiency, while providing economic and social benefits to all users.

   b. *Objective*: Program retail uses that are neighborhood- and transit-station serving.

2. **GOAL: AN ECONOMICALLY FEASIBLE DEVELOPMENT**

   a. *Objective*: Provide flexible non-residential spaces that can be adjusted to respond to shifts in market demand and allow options throughout various economic cycles and scenarios.

   b. *Objective*: Create a range of residential unit types that will be accessible to residents of all income levels.

   c. *Objective*: Provide residential opportunities to assist the City of Duarte in meeting their Regional Housing Needs Allocation (RHNA) objectives.

   d. *Objective*: Encourage the development of a hotel to create local jobs, support City of Hope lodging needs, provide community meeting space, and increase tax revenues within the community.

3. **GOAL: TRADITIONAL PEDESTRIAN-ORIENTED STREET PATTERN**

   a. *Objective*: Create a "grid-like" block pattern that effectively provides for compact development with reduced road widths to provide connectivity throughout the site.

   b. *Objective*: Give precedence to pedestrians while keeping streets narrow to foster multimodal transportation with bicycle, pedestrian, and transit access.

4. **GOAL: SUPERIOR URBAN DESIGN**

   a. *Objective*: Allow for building types that will achieve desired density ranges to establish a critical mass of residents and employees to support the transit station, maximize transit ridership, and support retail spaces and local employment centers.

   b. *Objective*: Minimize setbacks to allow buildings to frame and activate the street.

   c. *Objective*: Use trees, shrubs and other landscape and hardscape materials along streets to provide shading, screening, and human scale.

   d. *Objective*: Promote quality architectural design to establish a consistent contemporary design character that creates an identity in the Duarte Station Specific Plan area.

5. GOAL: OUTDOOR SPACES

a. *Objective*: Provide singular or multiple outdoor spaces, such as an urban green space or public plaza that provides a transition between the station and the surrounding transit village uses in order to provide a public gathering space.

b. *Objective*: Program outdoor space(s) to accommodate the needs of various user groups, such as residents, employees, commuters, and visitors.

6. GOAL: AWARENESS OF SURROUNDING DEVELOPMENT

a. *Objective*: Create a center that provides desired goods and services to surrounding residents, students, and employees within and surrounding the Duarte Station Specific Plan area.

b. *Objective*: Provide specific setbacks, height limitations, upper story step-backs, and landscape requirements to afford adjacent residences privacy and separation from larger buildings.

c. *Objective*: Consider the future needs of the City of Hope as part of land use planning.

7. GOAL: SUSTAINABLE DEVELOPMENT PRACTICES

a. *Objective*: Identify the level of development proposed within the Specific Plan area, and adhere to Levels of Sustainable Development Practices as prescribed in Chapter 19.52 of the City's Development Code.

b. *Objective*: Ensure that construction and demolition waste is disposed of in accordance with all City regulations and standards.

c. *Objective*: Consider building layout, siting, and building design to not preclude alternative energy production on-site.

d. *Objective*: Maximize energy efficiency through local and state standards, indoor environmental quality, energy-efficient lighting, building orientation, shading, and implementation of LEED principles and/or attaining LEED Certification.

e. *Objective*: Reduce heat island effect through site planning and selection of landscape and hardscape materials.

f. *Objective*: Incorporate water-efficient design features such as permeable surfaces, collection devices, biofiltration devices, green rooftops, cisterns, berms and swales, and/or green rooftops.

g. *Objective*: Include climate-adapted landscape within the Specific Plan area.

3.0 ENVIRONMENTAL REVIEW/ PUBLIC PARTICIPATION

The City of Duarte conducted an extensive review of this project which included a Draft EIR and a Final EIR, including technical reports, along with a public review and comment period. The following is a summary of the City's environment review of this project:

- Pursuant to the provision of CEQA Guidelines Section 15082, as amended, the City of Duarte circulated a Notice of Preparation (NOP) to public agencies, special districts, and members of the public who had requested such notice for a 30-day period. The NOP was submitted to the State Clearinghouse on April 11, 2013, with the 30-day review period ending on May 13, 2013.

- The NOP public review period ran for 30 days. The City received nine comment letters from State, regional and local public agencies, and the public. The scope of the issues identified in the comments included potential impacts associated with a variety of topical areas.

- The Draft EIR was distributed for public review and a Notice of Availability (NOA) and Notice of Completion (NOC) was filed with the State Clearinghouse on September 9, 2013, for a 45-day review period, which concluded on November 4, 2013.

- The City received a total of eight comment letters from public agencies and the public. Additionally, verbal comments were received on the Draft EIR during the Planning Commission hearings of October 21 and November 4, 2013. The City prepared responses to all written comments. The comments and responses are contained in Section 12.0 of the Final EIR.

- In accordance with Public Resources Code Section 21092.5, the City provided written responses to public agencies that commented on the Draft EIR.

4.0 INDEPENDENT JUDGMENT AND FINDING

The City solicited proposals from independent consultants to prepare the Duarte Station Specific Plan and EIR. Subsequently, the City selected and retained RBF Consulting (RBF) to prepare the Duarte Station Specific Plan and EIR. RBF prepared the EIR under the supervision and direction of the City of Duarte staff. All findings set forth herein are based on substantial evidence in the record as indicated with respect to each specific finding.

FINDING:

The EIR for the project reflects the City's independent judgment. The City has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in retaining its own environmental consultant, and directing the consultant in the preparation of the EIR. The City has independently reviewed and analyzed the EIR and accompanying studies and finds that the report reflects the independent judgment of the City.

The City Council has considered all the evidence presented in its consideration of the project and the EIR, including, but not limited to, the Final EIR and its supporting studies, written and oral evidence presented at hearings on the project, and written evidence submitted to the City by individuals, organizations, regulatory agencies, and other entities. On the basis of such evidence the City Council finds that with respect to each environmental impact identified in the review process the impact (1) is less than significant and would not require mitigation; or (2) is potentially significant but would be avoided or reduced to a less than significant level by implementation of identified mitigation measures; or (3) would be significant and not fully mitigatible but would be, to the extent feasible, lessened by implementation of identified mitigation measures.

The EIR identifies certain significant adverse environmental effects of the project which cannot be avoided or substantially lessened. Prior to approving this project the City Council also adopts a Statement of Overriding Considerations which finds, based on specific reasons and substantial evidence in the record (as specified in Section 7.0), that certain identified economic, social, or other benefits of the project outweigh such unavoidable adverse environmental effects.

5.0 ENVIRONMENTAL IMPACTS AND FINDINGS

5.1 EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT IN THE INITIAL STUDY

The City of Duarte Community Development Department conducted an Initial Study in April 2013 to determine significant effects of the proposed project. In the course of this evaluation, certain impacts of the proposed project were found to be less than significant due to the inability of a project of this scope to create such impacts or the absence of project characteristics producing effects of this type. The following effects were determined not to be significant, and were not analyzed in the Final EIR.

FINDING:

The City Council finds that based on substantial evidence in the record, the following impacts, to the extent they result from the project, will be less than significant.

AESTHETICS

- Have a substantial adverse effect on a scenic vista.
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

AGRICULTURAL RESOURCES

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.
- Conflict with existing zoning for agricultural use, or a Williamson Act contract.
- Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).
- Result in the loss of forest land or conversion of forest land to non-forest use.
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

BIOLOGICAL RESOURCES

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

CULTURAL RESOURCES

- Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5.
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5.
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- Disturb any human remains, including those interred outside of formal cemeteries.

GEOLOGY AND SOILS

- Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
    - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
    - Strong seismic ground shaking.
    - Seismic-related ground failure, including liquefaction.
    - Landslides.
- Result in substantial soil erosion or the loss of topsoil.
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.
- Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.

HAZARDS AND HAZARDOUS MATERIALS

- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area.
- For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area.
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

HYDROLOGY AND WATER QUALITY

- Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.
- Place within a 100-year flood hazard area structures which would impede or redirect flood flows.
- Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
- Inundation by seiche, tsunami, or mudflow.

LAND USE AND PLANNING

- Physically divide an established community.
- Conflict with any applicable habitat conservation plan or natural community conservation plan.

MINERAL RESOURCES

- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
- Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

NOISE

- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.
- For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels.

POPULATION AND HOUSING

- Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

TRANSPORTATION/TRAFFIC

- Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.
- Result in inadequate emergency access.

MANDATORY FINDINGS OF SIGNIFICANCE

- Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

5.2 EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT WITHOUT MITIGATION IN THE EIR

The Duarte Station Specific Plan EIR found that the proposed project would have a less than significant impact on a number of environmental topic areas listed below. A less than significant environmental impact determination was made for each of the following topic areas listed below. A detailed analysis of the topic areas is provided within the Final EIR.

FINDING:

The City of Duarte finds that based on substantial evidence in the record, the following impacts, to the extent they result from the project, will be less than significant.

LAND USE

- Implementation of the proposed project could conflict with SCAG'S 2012 RTP/SCS goals and adopted growth forecasts.
- Implementation of the proposed project could conflict with a Duarte General Plan land use plan or policy.
- Implementation of the proposed project could conflict with the Duarte Municipal Code standards and regulations.
- Development associated with implementation of the proposed project and other related cumulative projects could conflict with applicable land use plans, policies, or regulations.

POPULATION AND HOUSING

- Implementation of the proposed project could induce substantial population growth in the City.
- Development associated with implementation of the proposed project and other related cumulative projects could induce substantial population and housing growth in the area.

TRAFFIC

- Implementation of the proposed project could result in a hazardous traffic condition associated with queuing at the State-controlled study intersection off-ramps.
- Implementation of the proposed project could result in a decrease of the performance or safety of public transit, bicycle, or pedestrian facilities as a result of a conflict with adopted policies, plans, or programs.

AIR QUALITY

- Implementation of the proposed project could facilitate the construction of new land uses that could generate dust and equipment emissions – NO_X, CO, SO_X, PM_{10}, and $PM_{2.5}$ emissions.
- Development associated with implementation of the proposed project could result in localized emissions impacts or expose sensitive receptors to substantial pollutant concentrations.

- Construction and operation associated with the proposed project could create objectionable odors affecting a substantial number of people
- Development associated with implementation of the proposed project and other related cumulative projects could result in significant impacts pertaining to operational air emissions - NO_X, CO, SO_X, PM_{10}, and $PM_{2.5}$ emissions.

GREENHOUSE GAS EMISSIONS

- Greenhouse gas emissions generated by development associated with implementation of the proposed project could have a significant impact on global climate change.
- Implementation of the proposed project could conflict with an applicable greenhouse gas reduction plan, policy, or regulation.
- Greenhouse gas emissions generated by implementation of the proposed project and other related cumulative projects could have a significant impact on global climate change.

NOISE

- Implementation of the proposed project could result in significant vibration impacts to nearby sensitive receptors.
- Traffic generated by the proposed project could significantly contribute to existing traffic noise in the area or exceed the City's established standards.
- Development associated with implementation of the proposed project and other related cumulative projects could result in cumulatively considerable long-term noise impacts.

HAZARDS AND HAZARDOUS MATERIALS

- Development associated with implementation of the proposed project site could be located on a hazardous materials site per Government Code Section 65962.5 and could create a significant hazard to the public or the environment.

HYDROLOGY, DRAINAGE, AND WATER QUALITY

- Implementation of the proposed project could result in the depletion of groundwater supplies or interference with groundwater recharge.

POLICE PROTECTION

- Implementation of the proposed project could result in impacts to police services.
- Development associated with implementation of the proposed project and other related cumulative projects could result in cumulatively considerable impacts to police services.

PARKS

- Implementation of the proposed project could increase the use of existing parks and recreational facilities creating the potential for physical deterioration of facilities.
- Development associated with implementation of the proposed project and other related cumulative projects could result in cumulatively considerable impacts to parks and recreation facilities in the City.

WATER

- Implementation of the proposed project could create demand for water that exceeds available water supplies from existing entitlements and resources.

SOLID WASTE

- Implementation of the proposed project would generate solid waste that could incrementally decrease the capacity and lifespan of landfills.
- Development associated with implementation of the proposed project and other related cumulative development could result in cumulatively considerable impacts related to solid waste disposal services and landfill capacity.

ELECTRICITY AND NATURAL GAS

- Implementation of the proposed project could increase the demand for electrical service or could require the expansion of existing facilities.
- Implementation of the proposed project could increase the demand for natural gas or could require the expansion of existing facilities.
- Implementation of the proposed project and other related cumulative projects could result in cumulatively considerable impacts related to electrical and/or natural gas services and facilities.

5.3 EFFECTS DETERMINED TO BE MITIGATED TO LESS THAN SIGNIFICANT LEVELS

The City of Duarte having reviewed and considered the information contained in the Final EIR, the Technical Appendices and the administrative record, finds, pursuant to California Public Resources Code 21081 (a)(1) and CEQA Guidelines 15091 (a)(1) that changes or alterations have been required in, or incorporated into, the proposed project, which would avoid or substantially lessen to below a level of significance potentially significant environmental effects identified in the Final EIR. The potentially significant adverse environmental impacts that can be mitigated are listed below. The City of Duarte finds that these potentially significant adverse impacts can be mitigated to a level that is considered less than significant after implementation of mitigation measures identified in the Final EIR.

AESTHETICS

The project's potential impacts in regards to aesthetics that can be mitigated or are otherwise less than significant are discussed in Section 5.2, Aesthetics, of the Final EIR. Identified impacts include short-term visual character/quality, light and glare, and cumulative impacts.

A. CONSTRUCTION ACTIVITIES ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT COULD RESULT IN SIGNIFICANT IMPACTS RELATED TO TEMPORARY DEGRADATION OF THE VISUAL CHARACTER/QUALITY OF THE SITE AND ITS SURROUNDINGS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. The effects identified in the Final EIR have been determined not to be significant.

Facts in Support of Findings

The potential short-term visual character/quality impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Final EIR.

Mitigation Measures:

AES-1 Prior to the issuance of a building permit, each project applicant shall submit a Construction Management Plan for review and approval by the City of Duarte Community Development Director. The Construction Management Plan shall, at a minimum, indicate the equipment and vehicle staging areas, stockpiling of materials, fencing (i.e., temporary fencing with opaque material), and construction haul route(s). Staging areas shall be screened from view from residential properties. Construction worker parking may be located off-site with

prior approval by the City; however on-street parking of construction worker vehicles on residential streets shall be prohibited. Vehicles shall be kept clean and free of mud and dust before leaving the development site. Surrounding streets shall be swept daily and maintained free of dirt and debris.

B. IMPLEMENTATION OF THE PROPOSED PROJECT COULD CREATE A NEW SOURCE OF LIGHT AND/OR GLARE, WHICH COULD AFFECT DAYTIME AND/OR NIGHTTIME VIEWS IN THE AREA.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. The effects identified in the Final EIR have been determined not to be significant.

Facts in Support of Findings

The potential light and glare impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Final EIR.

Mitigation Measures:

AES-2 Construction equipment staging areas shall use appropriate screening (i.e., temporary fencing with opaque material) to buffer views of construction equipment and material, when feasible. Staging locations shall be indicated on Final Development Plans and Grading Plans.

AES-3 All construction-related lighting shall include shielding in order to direct lighting down and away from adjacent hotel and residential uses and consist of the minimal wattage necessary to provide safety at the construction site. A construction safety lighting plan shall be submitted to the City for review concurrent with Grading Permit application.

AES-4 As part of Site Plan and Design Review, site access locations shall be reviewed to ensure that vehicle access locations are not sited in a manner that would result in vehicle headlights directly shining onto residential uses. If siting of vehicle access locations would result in headlights directly shining onto residential uses, the project applicant shall implement screening, consistent with the Duarte Station Specific Plan, to reduce lighting impacts.

C. DEVELOPMENT ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD RESULT IN CUMULATIVELY CONSIDERABLE AESTHETICS IMPACTS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. The effects identified in the Final EIR have been determined not to be significant.

Facts in Support of Findings

The potential cumulative aesthetic impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Final EIR.

Mitigation Measures: Refer to Mitigation Measures AES-1 through AES-4.

TRAFFIC

The project's potential impacts in regards to traffic that can be mitigated or are otherwise less than significant are discussed in Section 5.4, Traffic, of the Final EIR. Identified impacts include impacts to the function of state-controlled intersections in the project area and hazardous traffic conditions.

A. IMPLEMENTATION OF THE PROPOSED PROJECT COULD CAUSE A SIGNIFICANT INCREASE IN TRAFFIC AT STATE-CONTROLLED STUDY INTERSECTIONS UNDER FORECAST YEAR 2020 CONDITIONS WHEN COMPARED TO THE TRAFFIC CAPACITY OF THE STREET SYSTEM.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. The effects identified in the Final EIR have been determined not to be significant.

Facts in Support of Findings

The potential forecast year 2020 traffic impacts at state-controlled intersections have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Final EIR.

Mitigation Measures:

TRF-4 All project applicants within the Duarte Station Specific Plan Area shall prepare and submit at their time of their development application to the Community Development Department a traffic study that: 1) documents the project-related trips and provides a comparative review with the analysis in this EIR, and 2) uses the Highway Capacity Manual (HCM) intersection analysis methodology to determine whether the individual project increases the average delay per vehicle intersections having an existing unacceptable level of service without project traffic.

The thresholds to be used for the delay analysis are:

a. Signalized Intersections: The project increases the average delay by more than 5 seconds per vehicle at an intersection having an unacceptable LOS without project traffic.

b. All-Way Stop Intersections: The project increases the overall average delay by more than 5 seconds per vehicle at an intersection that has an unacceptable LOS without the project and the intersection also meets the peak hour volume signal warrant.

c. One- and Two-Way Stop Intersections:
The project causes the following to occur for the worst-case movement:
-The LOS declines to an unacceptable LOS, and
-The volume to capacity ratio exceeds 0.75, and
-The 95th percentile queue exceeds 75 feet (3 vehicles), or
The project causes the worst-case movement's acceptable LOS to decline to an unacceptable LOS and the peak hour volume signal warrant is met, or
The project increases the average delay for the worst-case movement by more than 5 seconds per vehicle at an intersection that has an unacceptable LOS without the project and the intersection also meets the peak hour volume signal warrant.

The study will need to identify appropriate mitigation and timing, if impacts are identified. The study and mitigation requires review and approval from the City Engineer.

Potential improvements to be considered as mitigation include, but are not limited to:

- Restrict on-street parking during peak hours
- Install "KEEP CLEAR" or "DO NOT BLOCK" signage and striping
- Install signalized pedestrian crossing
- Install Two-Way Stop
- Install Four-Way Stop
- Signal timing and coordination
- Addition of lanes within existing right-of-way, including restriping
- Lengthening of existing turn lanes to accommodate additional vehicles

- Widening of right-of-way consistent with Circulation Element Diagram CIR-1, Standard Roadway Cross-Sections, and Diagram CIRC-4, Circulation System, requirements

B. IMPLEMENTATION OF THE PROPOSED PROJECT COULD RESULT IN A HAZARDOUS TRAFFIC CONDITION ASSOCIATED WITH NEIGHBORHOOD PASS-THROUGH TRAFFIC.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. The effects identified in the Final EIR have been determined not to be significant.

Facts in Support of Findings

The potential hazardous traffic condition associated with neighborhood pass-through traffic has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Final EIR.

Mitigation Measures:

TRF-5 When deemed necessary by the City Community Development Director and/or City Engineer, the project applicant(s) shall prepare, implement, and fund a Neighborhood Traffic Management Plan (NTMP), which shall include three components: education, enforcement, and enhancement.

The educational component of the NTMP shall provide the community with a means of understanding traffic management tools and processes and also increase public awareness of the impact that traffic will have on the neighborhood. Educational efforts that could be implemented as part of the NTMP include, but are not limited to, the following:

- Coordination of neighborhood NTMP meetings
- Coordination of a speed watch program
- Coordination of the placement of temporary NTMP yard signs with volunteers
- Design and distribution of NTMP brochures
- Coordination of applicant and/or staff presentations to neighborhood groups

The enforcement component of the NTMP entails focusing law enforcement efforts to acknowledge areas of concern. Enforcement efforts that could be implemented as part of the NTMP include, but are not limited to, the following:

- Increased enforcement
- Real-time speed feedback signs
- Signage ("Entering residential neighborhood...")

The enhancement component of the NTMP consists of non-physical and physical transportation system improvements. Numerous traffic-calming devices may be selected by a neighborhood for placement on a street. Potential improvements that could be implemented by the applicant and/or City of Duarte as part of the NTMP include, but are not limited to, the following:

- Pavement marking/lane narrowing
- Temporary speed tables
- Neckdowns/bulbouts (extensions of curbs/corner sidewalks at an intersection)
- Choker/Chicane (chokers are build-outs added to a road to narrow it, while chicanes are sequences of tight serpentine curves designed to slow roadway traffic)
- Turn movement restrictions
- Diagonal intersection diverters
- Median barrier through intersection
- Forced turn island

AIR QUALITY

The project's potential impacts in air quality that can be mitigated or are otherwise less than significant are discussed in Section 5.5, Air Quality, of the Final EIR. Identified impacts include impacts from short-term construction air emissions and cumulative short-term construction air emissions.

A. SHORT-TERM CONSTRUCTION ACTIVITIES ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT COULD RESULT IN AIR POLLUTANT EMISSION IMPACTS OR EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. The effects identified in the Final EIR have been determined not to be significant.

Facts in Support of Findings

The potential impacts associated with short-term construction activities have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Final EIR.

Mitigation Measures:

AQ-1 Prior to issuance of a Grading Permit, the City Engineer and the Chief Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in

compliance with SCAQMD Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures, as specified in the SCAQMD's Rules and Regulations. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:

- All active portions of the construction site shall be watered every three hours during daily construction activities and when dust is observed migrating from the project site to prevent excessive amounts of dust.
- Pave or apply water every three hours during daily construction activities or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas. More frequent watering shall occur if dust is observed migrating from the site during site disturbance.
- Any on-site stockpiles of debris, dirt, or other dusty material shall be enclosed, covered, or watered twice daily, or non-toxic soil binders shall be applied.
- All grading and excavation operations shall be suspended when wind speeds exceed 25 miles per hour.
- Disturbed areas shall be replaced with ground cover or paved immediately after construction is completed in the affected area.
- Track-out devices such as gravel bed track-out aprons (3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or row of stakes) shall be installed to reduce mud/dirt trackout from unpaved truck exit routes. Alternatively a wheel washer shall be used at truck exit routes.
- On-site vehicle speed shall be limited to 15 miles per hour.
- All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site.
- Reroute construction trucks away from congested streets or sensitive receptor areas.

AQ-2 All trucks that are to haul excavated or graded material on-site shall comply with State Vehicle Code Section 23114 (Spilling Loads on Highways), with special attention to Sections 23114(b)(F), (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads. Prior to the issuance of grading permits, each project applicant shall demonstrate to the City Engineer how the project operations subject to that specification during hauling activities shall comply with the provisions set forth in Sections 23114(b)(F), (e)(4).

AQ-3 The following measures shall be implemented by the contractor to reduce ROG emissions resulting from application of architectural coatings:

- Use high-pressure-low-volume (HPLV) paint applicators with a minimum transfer efficiency of at least 50 percent;
- Use pre-painted construction materials; and
- VOC content of architectural coatings shall not exceed 50 grams per liter.

AQ-4 Prior to issuance of any Grading Permit, the City Engineer and the Chief Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SCAQMD Rule 403, O_3 precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications, to the satisfaction of the City Engineer. Maintenance records shall be provided to the City. The City Inspector shall be responsible for ensuring that contractors comply with this measure during construction.

B. SHORT-TERM CONSTRUCTION ACTIVITIES ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD RESULT IN AIR POLLUTANT EMISSION IMPACTS OR EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. The effects identified in the Final EIR have been determined not to be significant.

Facts in Support of Findings

The potential cumulative impact associated with short-term construction air emissions has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Final EIR.

Mitigation Measures: Refer to Mitigation Measures AQ-1 through AQ-4.

NOISE

The project's potential noise impacts that can be mitigated or are otherwise less than significant are discussed in Section 5.7, Noise, of the Final EIR. Identified impacts include long-term stationary noise and cumulative short-term construction noise.

A. IMPLEMENTATION OF THE PROPOSED PROJECT COULD RESULT IN A SIGNIFICANT INCREASE IN LONG-TERM STATIONARY AMBIENT NOISE LEVELS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. The effects identified in the Final EIR have been determined not to be significant.

Facts in Support of Findings

The potential long-term stationary ambient noise impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Final EIR.

Mitigation Measures:

N-2 Prior to issuance of building permits, a noise assessment shall be prepared for the hotel and commercial uses to ensure that commercial property loading docks and outdoor mechanical equipment would not exceed the City's noise limits identified in Municipal Code Section 9.68.050. The noise assessment shall identify any noise control measures necessary to comply with the Municipal Code Noise Regulations. Individual project applicants shall implement all noise control measures identified in the assessment.

N-3 Prior to site plan approval, the Community Development Director shall confirm that all applicable building plans and specifications include a closed design (i.e., a solid wall) for the walls of parking structures that are within 150 feet of residences, including the western side of the parking structure that faces Denning Avenue. The closed design is only required for walls that face residences.

N-4 Prior to the issuance of building permits, any residential development located within 200 feet of the Gold Line railway corridor shall have a Focused Acoustical Analysis prepared to analyze noise from train pass-bys and develop measures, if required, to ensure that the City's exterior land use compatibility standards of 65 dBA for multi-family residential (refer to Duarte General Plan Table N-1) and 45 dBA for residential interiors are achieved.

N-5 Prior to the issuance of building permits, any residential or hotel development located within 400 feet of the I-210 freeway corridor shall have a Focused Acoustical Analysis prepared to fully analyze acoustical impacts and develop measures, if required, to ensure that the City's exterior land use compatibility standards of 65 dBA for multi-family residential (refer to Duarte General Plan Table N-1) and 45 dBA for residential interiors are achieved.

B. DEVELOPMENT ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD RESULT IN SIGNIFICANT SHORT-TERM NOISE IMPACTS TO NEARBY NOISE SENSITIVE RECEIVERS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. The effects identified in the Final EIR have been determined not to be significant.

Facts in Support of Findings

The potential short-term cumulative construction noise impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Final EIR.

Mitigation Measures:

N-1 Individual project applicants shall prepare a construction noise management plan that identifies measures to be taken to minimize construction noise on surrounding sensitive receptors (e.g., residential uses and schools) and includes specific noise management measures to be included into project plans and specifications subject to review and approval by the City. These measures shall include, but not be limited to the following:

- All construction equipment shall be equipped with mufflers and sound control devices (e.g., intake silencers and noise shrouds) no less effective than those provided on the original equipment and no equipment shall have an un-muffled exhaust.
- The City shall require that the contractor maintain and tune-up all construction equipment to minimize noise emissions.
- Stationary equipment shall be placed so as to maintain the greatest possible distance to the sensitive receptors.
- All equipment servicing shall be performed so as to maintain the greatest possible distance to the sensitive receptors.
- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electronically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- Each project applicant shall provide, to the satisfaction of the City of Duarte Planning Department, a qualified "Noise Disturbance Coordinator." The Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Disturbance Coordinator shall notify the City within 24 hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, malfunctioning muffler, etc.) and shall implement reasonable measures to resolve the compliant, as deemed acceptable by the Duarte Planning Department. Notices shall be sent to residential units immediately surrounding the construction site. The notices that are sent and the signs posted at the construction site shall include the contact name and the telephone number for the Noise Disturbance Coordinator.
- Select demolition methods to minimize vibration, where possible (e.g., sawing masonry into sections rather than demolishing it by pavement breakers).

- Construction activities shall not take place outside of the allowable hours specified by the City's Municipal Code Section *9.68.120* (7:00 AM and 10:00 PM).

HAZARDS AND HAZARDOUS MATERIALS

The project's potential impacts associated with hazards and hazardous materials that can be mitigated or are otherwise less than significant are discussed in Section 5.8, Hazards and Hazardous Materials, of the Final EIR. Identified impacts include impacts related to construction and operational release of hazardous materials and cumulative exposure of hazardous materials.

A. SHORT-TERM CONSTRUCTION ACTIVITIES ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT COULD CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR ENVIRONMENT THROUGH ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. The effects identified in the Final EIR have been determined not to be significant.

Facts in Support of Findings

The potential short-term constructed-related hazards impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Final EIR.

Mitigation Measures:

HAZ-1 Prior to demolition activities, an asbestos survey shall be conducted by an Asbestos Hazard Emergency Response Act (AHERA) and Cal OSHA certified building inspector to determine the presence or absence of asbestos containing-materials (ACMs). If ACMs are located, abatement of asbestos shall be completed before any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the South Coast Air Quality Management District (SCAQMD) Rule 1403.

HAZ-2 If paint is separated from building materials, chemically or physically, during demolition of the structures, the paint waste shall be evaluated independently from the building material by a qualified Environmental Professional. If lead-based paint is found, abatement shall be completed by a qualified Lead Specialist before any activities that would create lead dust or fume hazard. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulation Title 8,

Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal shall provide evidence of abatement activities to the City's Building Department.

HAZ-3 An environmental professional with Phase II/site characterization experience shall conduct an inspection of existing on-site structures before building renovation/ demolition activities. The inspection shall determine whether or not testing is required to confirm the presence or absence of hazardous substances in building materials (i.e., sinks, drains, piping, flooring, walls, ceiling tiles, etc.). Should testing be required and results determine that hazardous substances are present in on-site building materials, the Phase II/site characterization specialist shall determine appropriate prevention/remediation measures that are required and/or the methods for proper disposal of hazardous waste at an approved landfill facility, if required.

HAZ-4 As applicable, each project applicant shall obtain appropriate permits from the Los Angeles County Fire Department Health Hazard Management Division (HHMD), before removing any existing USTs, per the Underground Storage Tank Program. The applicant shall conduct soil/groundwater testing, as requested by the HHMD. Should contamination be present above regulatory thresholds, then the project applicant shall remediate appropriately, as required by the HHMD. Should the HHMD refer the case to any other regulatory agency (e.g., the Department of Toxic Substances Control, or Regional Water Quality Control Board, etc.), then the applicant shall comply with that said agency as well.

HAZ-5 Prior to issuance of a grading permit, soil sampling shall occur within the portions of the project site that have historically been utilized for agricultural purposes and may contain pesticide residues in the soil, as determined by a qualified Phase II/site characterization specialist. The sampling shall determine if pesticide concentrations exceed established regulatory requirements and shall identify further site characterization and remedial activities, if necessary. Should further site characterization/remedial activities be required, these activities shall be conducted per the applicable regulatory agency requirements, as directed by the Los Angeles County Fire Department Health Hazard Management Division (HHMD).

HAZ-6 Prior to issuance of a grading permit, an environmental consultant with Phase II/site characterization experience shall conduct sampling in order to confirm whether or not contaminated soil/groundwater underlies the project site. Should contamination above established regulatory levels be identified, the environmental consultant shall recommend remedial activities appropriate for the proposed future development at the site, in consultation with the Los Angeles County Fire Department Health Hazard Management Division (HHMD) and/or other applicable agencies.

HAZ-7 Prior to issuance of a grading permit, a Phase II/site characterization specialist shall conduct appropriate sampling along the southern boundary of the project site (Parcel 1) in order to determine whether or not contaminated soil is present. Should contaminated soil be present, the Phase II/site characterization specialist shall

recommend appropriate remediation/safety measures in order to ensure worker safety during construction and public health during proposed project operations.

HAZ-8 Prior to issuance of a grading permit, the project applicant shall submit a Worker Safety Plan for site disturbance/construction activities, in consultation with California Division of Occupational Safety and Health (Cal/OSHA) and Los Angeles County Fire Department Health Hazard Management Division (HHMD). The Worker Safety Plan shall include safety precautions (e.g., personal protective equipment or other precautions to be taken to minimize exposure to hazardous materials) to be taken by personnel when encountering potential hazardous materials, including potential contaminated groundwater.

HAZ-9 If unknown wastes or suspect materials are discovered during construction by the contractor that are believed to involve hazardous waste or materials, the contractor shall comply with the following:

- Immediately cease work in the vicinity of the suspected contaminant, and remove workers and the public from the area;
- Notify the City Engineer of the City of Duarte;
- Secure the area as directed by the City Engineer; and
- Notify the Los Angeles County Fire Department Health Hazard Management Division's (HHMD) Hazardous Waste/Materials Coordinator (or other appropriate agency specified by the City Engineer). The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.

B. IMPLEMENTATION OF THE PROPOSED PROJECT COULD CREATE A SIGNIFICANT HAZARD DURING USE OPERATIONS TO THE PUBLIC OR ENVIRONMENT THROUGH THE HANDLING, STORAGE, AND/OR USE OF HAZARDOUS MATERIALS, AS WELL AS ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. The effects identified in the Final EIR have been determined not to be significant.

Facts in Support of Findings

The potential operational-related impacts associated with hazards and hazardous materials have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Final EIR.

Mitigation Measures:

HAZ-10 Prior to issuance of building permits, vapor intrusion investigations shall be conducted by a qualified Environmental Professional, in consultation with the Los Angeles County Fire Department Health Hazard Management Division (HHMD). Should the Environmental Professional determine that proposed buildings could be impacted by vapor intrusion, the Environmental Professional, in consultation with the HHMD and/or other applicable regulatory agencies, shall recommend specific design measures to be incorporated into the buildings' design that would reduce these indoor air quality concentrations to below regulatory thresholds.

C. DEVELOPMENT ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD INCREASE THE EXPOSURE OF HAZARDOUS SUBSTANCES TO THE PUBLIC OR THE ENVIRONMENT.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. The effects identified in the Final EIR have been determined not to be significant.

Facts in Support of Findings

The potential cumulative impacts associated with hazards and hazardous materials have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Final EIR.

Mitigation Measures: Refer to Mitigation Measures HAZ-4, HAZ-6, and HAZ-10.

HYDROLOGY, DRAINAGE, AND WATER QUALITY

The project's potential hydrology, drainage, and water quality impacts that can be mitigated or are otherwise less than significant are discussed in Section 5.9, Hydrology, Drainage, and Water Quality, of the Final EIR. Identified impacts include construction, operational, and cumulative hydrology, drainage, and water quality impacts.

A. GRADING, EXCAVATION, AND CONSTRUCTION ACTIVITIES ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT COULD SIGNIFICANTLY IMPACT WATER QUALITY.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. The effects identified in the Final EIR have been determined not to be significant.

Facts in Support of Findings

The potential short-term water quality impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Final EIR.

Mitigation Measures:

HYD-1 Prior to issuance of any grading or building permit, each project applicant shall enroll electronically through the SMARTS program to comply with the State of California General Construction Permit. Proof of enrollment must be submitted to the City of Duarte before issuance of grading or building permits. Also, a Stormwater Pollution Prevention Plan (SWPPP) shall be reviewed and approved by the Director of Public Works and the City Engineer for water quality construction activities on-site. A copy of the SWPPP shall be available and implemented at the construction site at all times. The SWPPP shall outline the source control and/or treatment control BMPs to avoid or mitigate runoff pollutants at the construction site to the "maximum extent practicable."

B. IMPLEMENTATION OF THE PROPOSED PROJECT COULD RESULT IN SIGNIFICANT IMPACTS RELATED TO INCREASED RUN-OFF AMOUNTS AND DEGRADED WATER QUALITY.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. The effects identified in the Final EIR have been determined not to be significant.

Facts in Support of Findings

The potential long-term operational impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Final EIR.

Mitigation Measures:

HYD-2 Concurrent with Site Plan Review or issuance of a grading permit, whichever comes first, a hydrology review shall be conducted by a Registered Civil Engineer for each development phase to ensure that runoff values for each phase remain at or below the runoff values shown in Table 5.9-2.

HYD-3 Prior to the issuance of grading permit, each project applicant shall prepare a plan (i.e., Standard Urban Storm Water Management Plan [SUSMP] or functional equivalent document) in accordance with the guidance to be developed by the

NPDES Permit permittees, that includes post-construction BMPs (such as LID) to reduce pollutant loading. The plan shall be reviewed and approved by the Duarte Public Works Director and City Engineer. The applicant shall be responsible for implement the measures identified in the SUSMP.

C. IMPLEMENTATION OF THE PROPOSED PROJECT ALONG WITH OTHER RELATED CUMULATIVE PROJECTS COULD RESULT IN CUMULATIVELY CONSIDERABLE IMPACTS RELATED TO INCREASED RUNOFF AND DEGRADED WATER QUALITY.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. The effects identified in the Final EIR have been determined not to be significant.

Facts in Support of Findings

The potential cumulative hydrology, drainage, and water quality impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Final EIR.

Mitigation Measures: Refer to Mitigation Measures HYD-1 and HYD-3.

FIRE PROTECTION

The project's potential impacts to fire services can be mitigated or are otherwise less than significant are discussed in Section 5.10, Fire Protection, of the Final EIR. Identified impacts include those related to fire services and cumulative fire services.

A. IMPLEMENTATION OF THE PROPOSED PROJECT COULD RESULT IN IMPACTS TO FIRE SERVICES.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. The effects identified in the Final EIR have been determined not to be significant.

Facts in Support of Findings

The potential impacts to fire services have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Final EIR.

Mitigation Measures:

FS-1 Adequate access to all buildings on the project site shall be provided and properly maintained for emergency vehicles during the building construction process to the satisfaction of the Los Angeles County Fire Department.

FS-2 Adequate water availability shall be provided to service construction activities.

FS-3 Prior to issuance of building permits, a will-serve letter from the California American Water Company shall be obtained by the project applicant, which states that the Water Company can adequately meet water flow requirements.

FS-4 The Los Angeles County Fire Department shall review and comment on each individual site plan submitted, prior to approval by the City of Duarte. Any conditions required by the Los Angeles County Fire Department shall be complied with by the project applicant.

FS-5 Prior to the issuance of building permits, the project applicant shall provide verification that the project complies with all fire prevention provisions required by the Los Angeles County Fire Department.

FS-6 All new structures shall have automatic fire sprinkler systems.

FS-7 A supervised fire alarm system that meets requirements of the California Fire Code shall be placed in an accessible location with an annunciator.

FS-8 Access to and around structures shall meet Los Angeles County Fire Department and California Fire Code requirements.

FS-9 A water supply system shall be in place to supply fire hydrants and automatic fire sprinkler systems.

FS-10 All traffic signals on public access ways shall include the installation of optical preemption devices.

FS-11 All electric gates within the project shall install emergency opening devices approved by the Los Angeles County Fire Department.

B. DEVELOPMENT ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD RESULT IN CUMULATIVELY CONSIDERABLE IMPACTS TO FIRE SERVICES.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. The effects identified in the Final EIR have been determined not to be significant.

Facts in Support of Findings

The potential cumulative fire services impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Final EIR.

Mitigation Measures: Refer to Mitigation Measures FP-1 through FP-11.

SCHOOLS

A. IMPLEMENTATION OF THE PROPOSED PROJECT COULD RESULT IN IMPACTS TO EXISTING SCHOOL FACILITIES WITHIN THE DUARTE UNIFIED SCHOOL DISTRICT.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. The effects identified in the Final EIR have been determined not to be significant.

Facts in Support of Findings

The potential impact to school facilities has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Final EIR.

Mitigation Measures:

SCH-1 Individual project applicants shall pay all applicable Development Impact Fees to the Duarte Unified School District prior to issuance of building permits. Proof of fee payment shall be provided to the City of Duarte.

B. DEVELOPMENT ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD RESULT IN CUMULATIVELY CONSIDERABLE IMPACTS TO SCHOOL FACILITIES WITHIN THE DUARTE UNIFIED SCHOOL DISTRICT.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. The effects identified in the Final EIR have been determined not to be significant.

Facts in Support of Findings

The potential cumulative impact to school facilities has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Final EIR.

Mitigation Measures: Refer to Mitigation Measure SCH-1.

WATER

The project's potential impacts to water that can be mitigated or are otherwise less than significant are discussed in Section 5.14, Water, of the Final EIR. Identified impacts include those associated with project and cumulative water demand and facilities.

A. IMPLEMENTATION OF THE PROPOSED PROJECT COULD REQUIRE OR RESULT IN THE CONSTRUCTION OF NEW WATER FACILITIES OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. The effects identified in the Final EIR have been determined not to be significant.

Facts in Support of Findings

The potential increased demand for water supplies and infrastructure have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Final EIR.

Mitigation Measures:

WAT-1 Prior to approval of building permits, individual project applicants shall conduct hydraulic analysis in coordination with California American Water to determine water system requirements to serve the proposed development. The project applicant shall implement the improvements in accordance with California American Water requirements prior to issuance of building permits and complete all necessary improvements prior to final inspection.

WAT-2 Prior to approval of building permits, individual project applicants shall submit site plans to the Los Angeles County Fire Department in order to obtain fire flow and storage volume requirements for the proposed development. The project applicant shall submit the fire flow and storage volume requirements to California American Water to determine if adequate fire flow and storage capacity exists to serve the proposed development. If fire flow and storage capacity is found to be inadequate,

the project applicant shall design and bond for necessary improvements prior to the issuance of building permits and complete all necessary improvements prior to final inspection.

B. DEVELOPMENT ASSOCIATED WITH THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD RESULT IN CUMULATIVELY CONSIDERABLE IMPACTS TO WATER SUPPLIES AND FACILITIES.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. The effects identified in the Final EIR have been determined not to be significant.

Facts in Support of Findings

The potential cumulative impacts to water supplies and facilities have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Final EIR.

Mitigation Measures: Refer to Mitigation Measures WAT-1 and WAT-2.

WASTEWATER

The project's potential wastewater impacts that can be mitigated or are otherwise less than significant are discussed in Section 5.15, Wastewater, of the Final EIR. Identified impacts include increased demand on wastewater conveyance and treatment facilities as a result of the proposed project and cumulative impacts.

A. IMPLEMENTATION OF THE PROPOSED PROJECT COULD GENERATE WASTEWATER THAT EXCEEDS THE CAPACITY OF CONVEYANCE AND TREATMENT FACILITIES SERVING THE PROJECT AREA.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. The effects identified in the Final EIR have been determined not to be significant.

Facts in Support of Findings

The potential impacts to wastewater conveyance and treatment facilities have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Final EIR.

Mitigation Measures:

WW-1 Each development project shall conduct a sewer flow monitoring study and submit to the City Engineer for review and approval prior to approval of building permits. The study shall review flows at selected off-site manholes, both upstream and downstream of the point of connection, to determine the capacity of the local and regional system to accept project-related flows. The project applicant shall be responsible to implement the recommendations in the study to ensure that off-site systems operate in accordance with the Los Angeles County Department of Public Works and County Sanitation Districts of Los Angeles County standards.

WW-2 Each development project shall design and construct on-site and off-site sewer lines in compliance with the Los Angeles County Public Works Department and County Sanitation Districts of Los Angeles County standards.

5.4 ENVIRONMENTAL EFFECTS WHICH REMAIN SIGNIFICANT AND UNAVOIDABLE AFTER MITIGATION AND FINDINGS

The City of Duarte, having reviewed and considered the information contained in the Final EIR, Technical Appendices and the administrative record, finds, pursuant to Public Resources Code 21081(a)(3) and CEQA Guidelines 15091(a)(3), that specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or project alternatives identified in the Final EIR and, therefore, the project would cause significant unavoidable impacts in the categories of Aesthetics (shade and shadow); Traffic (project and cumulative project intersection operations); Air Quality (project and cumulative project-related operational emissions for ROG and plan consistency associated with project exceedance of operational ROG thresholds); and Noise (short-term construction).

AESTHETICS

Shade and Shadow. Implementation of the proposed project could result in significant impacts related to the long-term degradation of the visual character/quality of the site and its surroundings.

Findings

1. Potential shade and shadow impacts would be dependent upon the siting, massing, and heights of future buildings within the Plan Area, which are not currently known. Thus, no feasible mitigation measures have been identified to reduce these potential impacts and the impact would constitute a significant and unavoidable impact.

Facts in Support of Findings

Implementation of the proposed project would result in new shade and shadow patterns in the area, as the proposed Specific Plan would allow for the development of structures at a greater height than the existing on-site structures. The only shadow sensitive uses in the project area are existing residential uses located along the western project edge, north of Business Center Drive and west of Denning Avenue. These existing residential uses feature mature trees within their yards and within the project site along the western edge, which provide for existing shading at portions of these uses.

Implementation of the proposed project could result in the construction of new structures up to 65 feet in height within the western portion of the project site, adjacent to existing residential uses. Additionally, new structures up to 90 feet in height could be constructed within the central and northern portion of the project site, across from existing residential uses located north of Business Center Drive and west of Denning Avenue. These new structures would cast new shadows on-site and off-site in the project area. Potential shade and shadow impacts would be dependent upon the siting, massing, and heights of future buildings within the Plan Area. Due to the adjacency of residential uses and the potential for the residences to experience shade and shadow impacts as a result of future development within the Plan Area, impacts are considered significant and unavoidable in this regard.

TRAFFIC

Forecast Year 2020 With Project Conditions. Implementation of the proposed project could cause a significant increase in traffic at local study intersections under forecast year 2020 conditions when compared to the traffic capacity of the street system.

Findings

1. Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the EIR.

2. Impacts associated with project implementation have been reduced to the extent feasible. However, after implementation of mitigation measures contained in the EIR, the impacts would constitute a significant and unavoidable impact.

Facts in Support of Findings

The addition of project-generated trips is forecast to result in a significant traffic impact at the following four City study intersections for forecast year 2020 with project conditions based on City of Duarte thresholds of significance:

- Buena Vista Street/Three Ranch Road (PM peak hour only);
- Buena Vista Street/Duarte Road (PM peak hour only);
- Village Road/Duarte Road (AM and PM peak hours); and
- Highland Avenue/Evergreen Street (AM peak hour only).

The following improvements are recommended to address the forecast significant traffic impacts at the City study intersections for forecast year 2020 with project conditions:

- Village Road/Duarte Road – Install a new traffic signal at the Village Road/Duarte Road intersection. The Village Road/Duarte Road study intersection is forecast to satisfy peak hour signal warrants for forecast year 2020 with project conditions. Detailed signal warrant analysis sheets are contained in Appendix D.

- Buena Vista Street/Duarte Road – Modify the traffic signal by implementing a right-turn overlap phase at the westbound Duarte Road approach.

- Buena Vista Street/Three Ranch Road – Install "KEEP CLEAR" or "DO NOT BLOCK" signing and striping in both directions of travel on Buena Vista Street at the Buena Vista Street/Three Ranch Road intersection.

The only feasible improvements that would fully eliminate the identified significant impacts at the Buena Vista Street/Three Ranch Road intersection and the Highland Avenue/Evergreen Street intersection would be to signalize the intersections; however, neither of these two intersections satisfied a traffic signal warrant for forecast year 2020 with project conditions.

Although it is not quantifiable by the analysis methodology, the recommended improvement at the Buena Vista Street/Three Ranch Road intersection would reduce, but not eliminate, the significant impact by preventing queued vehicles on Buena Vista Street from blocking the intersection and thus allowing vehicles at Three Ranch Road to enter the intersection during periods of congestion.

It should be noted that the analysis of the Buena Vista Street/Three Ranch Road intersection and the Highland Avenue/Evergreen Street intersection is conservative because the analysis methodology at these intersections does not account for breaks in traffic flow created by the future Gold Line rail crossing on Buena Vista Street and the traffic signal improvements being installed by the Metro Gold Line Foothill Extension Construction Authority at Highland Avenue/Central Avenue and Business Center Drive/Highland Avenue intersections. The breaks in traffic flow created by these future conditions may cause the actual delay at these intersections to be less than reported.

Assuming implementation of the recommended improvements, the significant traffic impacts at Village Road/Duarte Road study intersection and Buena Vista Street/Duarte Road study intersection are forecast to be reduced to a level considered less than significant for forecast year 2020 with project conditions.

The forecast significant traffic impacts at the Buena Vista Street/Three Ranch Road and the Highland Avenue/Evergreen Street study intersections are forecast to remain significant and unavoidable for forecast year 2020 with project conditions since these two study intersections would not meet traffic signal warrants for forecast year 2020 with project conditions.

Mitigation Measures:

TRF-1 Village Road/Duarte Road – Install a new traffic signal at the Village Road/Duarte Road intersection.

All project applicants within the Duarte Station Specific Plan Area and the City of Hope (Phase 1) shall have a fair-share contribution for signal modification at the Buena Vista Street/Duarte Road intersection. The first development project(s) shall be responsible for the signal modification and will be reimbursed on a fair share basis by the remainder of the developments in the Duarte Station Specific Plan Area and/or the City of Hope (Phase 1).

TRF-2 Buena Vista Street/Duarte Road – Modify the traffic signal by implementing a right-turn overlap phase at the westbound Duarte Road approach.

All project applicants within the Duarte Station Specific Plan Area and the City of Hope (Phase 1) shall have a fair-share contribution for signal modification at the Buena Vista Street/Duarte Road intersection. The first development project(s) shall be responsible for the signal modification and will be reimbursed on a fair share basis by the remainder of the developments in the Duarte Station Specific Plan Area and/or the City of Hope (Phase 1).

TRF-3 Buena Vista Street/Three Ranch Road – Install "KEEP CLEAR" or "DO NOT BLOCK" signing and striping in both directions of travel on Buena Vista Street at the Buena Vista Street/Three Ranch Road intersection.

The City shall install the signage and striping and will be reimbursed on a fair-share basis by all development within the Duarte Station Specific Plan Area and the City of Hope (Phase 1).

Forecast Year 2020 Cumulative Project Conditions. Development associated with implementation of the proposed project and other related cumulative projects could result in cumulatively considerable impacts related to traffic and circulation.

Findings

1. Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the EIR.

2. Impacts associated with project implementation have been reduced to the extent feasible. However, after implementation of mitigation measures contained in the EIR, the impacts would constitute a significant and unavoidable impact.

Facts in Support of Findings

Forecast year 2020 with project traffic volumes include the addition of trips associated with cumulative projects that are assumed to be constructed and generating trips by project opening.

The proposed project would result in cumulatively considerable traffic impacts at the following local intersections:

- Buena Vista Street/Three Ranch Road (PM peak hour only);

- Buena Vista Street/Duarte Road (PM peak hour only);
- Village Road/Duarte Road (AM and PM peak hours); and
- Highland Avenue/Evergreen Street (AM peak hour only).

With implementation of recommended improvements, the significant traffic impacts at the Village Road/Duarte Road study and Buena Vista Street/Duarte Road study intersections are forecast to be reduced to a level considered less than significant for forecast year 2020 with project conditions.

However, the forecast significant traffic impacts at the Buena Vista Street/Three Ranch Road and the Highland Avenue/Evergreen Street study intersections are forecast to remain significant and unavoidable for forecast year 2020 with project conditions since these two study intersections would not meet traffic signal warrants for forecast year 2020 with project conditions. Thus, the proposed project would result in a significant and unavoidable cumulative traffic impact.

Mitigation Measures: Refer to Mitigation Measures TRF-1 through TRF-3.

AIR QUALITY

Long-Term Operational Air Emissions. Implementation of the proposed project could facilitate the construction of new land uses that could generate dust and equipment emissions.

Findings

1. Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the EIR.

2. Impacts associated with project implementation have been reduced to the extent feasible. There are no additional mitigation measures, beyond project design features, that would reduce ROG emissions; the impacts would constitute a significant and unavoidable impact.

Facts in Support of Findings

Modeled area source emissions include the natural gas burning fireplaces and exclude the use of wood burning fireplaces per SCAQMD Rule 445. Additionally, mobile source emissions would be reduced as the proposed project includes retail, office, hotel, and residential uses adjacent to a Gold Line Station. These land use attributes that are inherent in the project design and location were incorporated into the mitigation module of CalEEMod. It should be noted that although the CalEEMod results depict these emissions as "mitigated" emissions, they are part of the project design. Therefore, no additional mitigation measures are available to reduce ROG emissions that can be quantified in CalEEMod. In addition, the proposed Duarte Station Specific Plan sets forth goals and objectives for sustainable development practices that would further reduce area source and mobile source emissions. These include adherence to the City's *Development Code* on Levels of Sustainable Development Practices, and City regulations and standards on disposal of construction and demolition waste. Additional objectives include considering building layout, siting and design to not inhibit alternative energy production on-site,

maximizing energy efficiency through local and state standards and LEED principles, and incorporating water-efficient design features and drought-tolerant landscaping to reduce heat island effects within the Plan Area. The operational mitigated emissions would remain above SCAQMD thresholds for ROG. Therefore, impacts in this regard would be significant and unavoidable. Impacts related to NO_X, CO, SO_X, PM_{10}, and $PM_{2.5}$ emissions are below the SCAQMD thresholds and are concluded to be less than significant.

Air Quality Plan. Implementation of the proposed project could conflict with or obstruct implementation of the applicable air quality plan.

Findings

1. Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the EIR.

2. Impacts associated with project implementation have been reduced to the extent feasible. There are no additional mitigation measures, beyond project design features, that would reduce ROG emissions; the impacts would constitute a significant and unavoidable impact.

Facts in Support of Findings

The determination of *2012 AQMP* consistency is primarily concerned with the long-term influence of a project on air quality in the Basin. The proposed project would be consistent with the goals and policies of the AQMP for control of fugitive dust. The proposed project's long-term influence would also be consistent with the SCAQMD and SCAG's goals and policies and is, therefore, considered consistent with the *2012 AQMP.*

However, the proposed project would potentially result in a long-term impact on the region's ability to meet State and Federal air quality standards due to the exceedance of operational ROG thresholds. Therefore, impacts would be significant and unavoidable with respect to ROG emissions, and less than significant for all other pollutant criterion emissions.

Cumulative Long-Term Operational Air Emissions. Implementation of the proposed project and other related cumulative projects could result in significant impacts pertaining to operational air emissions.

Findings

1. Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the EIR.

2. Impacts associated with project implementation have been reduced to the extent feasible. There are no additional mitigation measures, beyond project design features, that would reduce ROG emissions; the impacts would constitute a significant and unavoidable impact.

Facts in Support of Findings

Due to the Basin's nonattainment status for O_3, $PM_{2.5}$, and PM_{10}, additional emissions in excess of SCAQMD thresholds under a long-term condition for ROG, NO_X, $PM_{2.5}$, and PM_{10} would be considered significant and unavoidable for cumulative impacts. ROG emissions are projected to be above the significance thresholds for buildout conditions. Despite the fact that the proposed project is a transit-oriented development, proposed project-related operational emissions would still be significant and unavoidable for ROG. Thus, it can be reasonably inferred that the project-related operational activities, in combination with those from other projects in the area, would deteriorate the local air quality and lead to cumulative operational-related significant and unavoidable impacts.

NOISE

Short-Term Construction Noise. Grading and construction associated with implementation of the proposed project could result in significant temporary noise impacts to nearby noise sensitive receivers.

Findings

1. Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the EIR.

2. Impacts associated with project implementation have been reduced to the extent feasible. However, after implementation of mitigation measures contained in the EIR, the impacts would constitute a significant and unavoidable impact.

Facts in Support of Findings

Construction activities would begin in one specific development area and subsequently move to the other specific development areas. Therefore, construction would not occur in any one location for an extended period of time. All future development within the Specific Plan Area would be subject to compliance with the implementing policies of the *Duarte General Plan* Noise Element. Additionally, implementation of the Mitigation Measure N-1 would reduce construction noise associated with future development by requiring the preparation of a construction noise management plan that would include limiting construction to the less noise sensitive periods of the day (i.e., between the hours of 7:00 AM and 10:00 PM per *Municipal Code* Section 9.68.120) and ensuring that proper operating procedures are followed during construction so that nearby sensitive receptors are not adversely affected by noise and vibration. However, the details (e.g., timing/duration, sequencing, grading volumes, and exact proximity to receptors, etc.) of the future construction activities are not known at this time. As a result, construction has the potential to occur in close proximity to existing sensitive receptors to the west and north. Therefore, despite the implementation of Mitigation Measure N-1, construction noise impacts remain significant and unavoidable.

Mitigation Measures:

N-1 Individual project applicants shall prepare a construction noise management plan that identifies measures to be taken to minimize construction noise on surrounding sensitive receptors (e.g., residential uses and schools) and includes specific noise management measures to be included into project plans and specifications subject to review and approval by the City. These measures shall include, but not be limited to the following:

- All construction equipment shall be equipped with mufflers and sound control devices (e.g., intake silencers and noise shrouds) no less effective than those provided on the original equipment and no equipment shall have an un-muffled exhaust.
- The City shall require that the contractor maintain and tune-up all construction equipment to minimize noise emissions.
- Stationary equipment shall be placed so as to maintain the greatest possible distance to the sensitive receptors.
- All equipment servicing shall be performed so as to maintain the greatest possible distance to the sensitive receptors.
- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electronically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- Each project applicant shall provide, to the satisfaction of the City of Duarte Planning Department, a qualified "Noise Disturbance Coordinator." The Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Disturbance Coordinator shall notify the City within 24 hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, malfunctioning muffler, etc.) and shall implement reasonable measures to resolve the compliant, as deemed acceptable by the Duarte Planning Department. Notices shall be sent to residential units immediately surrounding the construction site. The notices that are sent and the signs posted at the construction site shall include the contact name and the telephone number for the Noise Disturbance Coordinator.
- Select demolition methods to minimize vibration, where possible (e.g., sawing masonry into sections rather than demolishing it by pavement breakers).
- Construction activities shall not take place outside of the allowable hours specified by the City's Municipal Code Section *9.68.120* (7:00 AM and 10:00 PM).

5.5 ALTERNATIVES TO THE PROPOSED PROJECT

The Draft EIR addresses the environmental effects of alternatives to the proposed project. A description of these alternatives, a comparison of their environmental impacts to the proposed project, and the City's findings are listed below. These alternatives are compared against the project relative to the identified project impacts, summarized in the sections above, to the project objectives, as stated in Section 3.0, Project Description, of the Draft EIR.

In making the following alternatives findings, the City of Duarte certifies that it has independently reviewed and considered the information on alternatives provided in the Draft EIR, including the information provided in the comments on the Draft EIR and the responses thereto.

ALTERNATIVE ONE – EXISTING ZONING ALTERNATIVE

Under the Existing Zoning Alternative, the project site would remain unaltered and the existing on-site industrial uses would continue to operate as they do currently. In addition, it is assumed that this Alternative would provide 125-250 parking spaces for the Gold Line Station.

Findings

1. The findings of the proposed project set forth in this document and the overriding social, economic, and other issues set forth in the Statement of Overriding Considerations provide support for the proposed project and the elimination of this alternative from further consideration.

Facts in Support of Findings:

In comparison to the proposed project, the Existing Zoning Alternative results in fewer impacts relative to aesthetics, traffic, air quality, greenhouse gas emissions, noise, and public services and utilities. Greater impacts would be anticipated for land use, population and housing, and hydrology, drainage, and water quality. All significant unavoidable impacts related to shade/shadow, traffic, air quality, and noise impacts would be eliminated with this Alternative.

The Existing Zoning would not implement the overarching goals of the proposed project to provide a mixture of land use, an economically feasible development, traditional pedestrian-oriented street pattern, superior urban design, outdoor spaces, awareness of surrounding development, or sustainable development practices. Therefore, none of the project goals and objectives would be met under the Existing Zoning Alternative.

ALTERNATIVE TWO – ALL RESIDENTIAL ALTERNATIVE

The All Residential Alternative would include only high density residential at a density of up to 40 dwelling units per acre for a total of 600 dwelling units. It is assumed that this Alternative would have similar acreages for recreation/open space and roads as the proposed project (0.80 and 2.86, respectively), and provide 125-250 parking spaces for the Gold Line Station.