



DUARTE TOWN CENTER

specific plan

DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT | JUNE 2016

VOLUME I

STATE CLEARINGHOUSE NO. 2015101082



City of Duarte General Plan Supplemental EIR for the
Town Center Specific Plan
Supplemental Environmental Impact Report

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City of Duarte

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1.0 Introduction

1.0 Introduction

This Supplemental Environmental Impact Report (Supplemental EIR) evaluates the environmental effects associated with the adoption and implementation of the Duarte Town Center Specific Plan (Specific Plan). In 2007, the City of Duarte completed and certified a Program EIR that analyzed a comprehensive General Plan update (General Plan EIR). This Supplemental EIR is tiered off the certified General Plan EIR; it “supplements” the EIR that has already been certified for the General Plan update.

The adoption and implementation of the Duarte Town Center Specific Plan constitutes a “project” for the purposes of the California Environmental Quality Act (CEQA) and State CEQA Guidelines. Thus, this Supplemental EIR has been prepared to address the impacts associated with this project in relation to the previously certified General Plan EIR.

Legal Requirements

This Supplemental EIR has been prepared in accordance with the California Environmental Quality Act of 1970 (Public Resources Code, Section 21000 et seq.), the Guidelines for Implementation of CEQA published by the Resources Agency of the State of California (California Code of Regulations, Section 15000 et seq.), and the City of Duarte’s Local Guidelines for Implementing the California Environmental Quality Act.

The report was prepared by professional environmental consultants under contract to the City of Duarte. The City of Duarte is the Lead Agency for the preparation of this EIR, as defined by CEQA (Public Resources Code, Section 21067, as amended). The content of this document reflects the independent judgement of the City.

Purpose of Program EIR

The purpose of an EIR, under the provisions of CEQA, is “to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided.” (Public Resources Code Section 21002.1[a]) The previously certified Program EIR for the General Plan update provided information to public agencies, the general public, and decision makers regarding potential environmental impacts and recommended mitigation measures related to the adoption and long-term implementation of the City of Duarte General Plan update.

The previously certified General Plan EIR is a Program EIR under the provisions of Section 15168 of the State CEQA Guidelines. According to Section 15168, a Program EIR may be prepared on a series of actions that can be characterized as one large project and which are related geographically or represent logical parts in the chain of contemplated actions in connection with issuance of rules, regulations, or plans. The Program EIR allows for a more exhaustive consideration of effects and alternatives than would be practical in EIRs on separate individual actions. A Program EIR allows for consideration of cumulative impacts that might not be fully considered on a case-by-case basis.

Subsequent activities in a program (in this case, the Town Center Specific Plan) must be examined in light of the Program EIR (in this case, the previously certified General Plan EIR) to determine whether an additional environmental document must be prepared. If a subsequent project or later activity would have effects that were not examined in the certified Program EIR, or not examined at an appropriate level of detail to be used for the later activity, an Initial Study would need to be prepared, leading to a Negative Declaration or an EIR. If the Lead Agency (the City of Duarte) finds that, pursuant to Section 15152 (Tiering) of the CEQA Guidelines, no new effects could occur or no new mitigation measures would be required on a subsequent project, the Lead Agency can approve the activity as being within the scope of the project covered by a certified Program EIR, and no new environmental documentation would be required.

Section 15152 of the CEQA Guidelines indicates that tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy, or program to an EIR or Negative Declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or Negative Declaration. The General Plan EIR provides a first-tier analysis of the environmental effects of the Duarte Town Center Specific Plan. This Supplemental EIR is the second-tier analysis.

Purpose of the Supplemental EIR

CEQA authorizes a Lead or Responsible Agency to prepare a supplement to a previously certified EIR if some changes or additions are necessary to a previously analyzed project and the conditions described in CEQA Guidelines Section 15163 are met.

Pursuant to Section 15162 of the CEQA Guidelines, a Subsequent EIR or Negative Declaration may only be prepared if:

- (a) *When an EIR has been certified or a Negative Declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*
 - (1) *Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
 - (2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
 - (3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:*
 - (A) *The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration;*
 - (B) *Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
 - (C) *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
 - (D) *Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*
- (b) *If changes to a project or its circumstances occur or new information becomes available after adoption of a Negative Declaration, the lead agency shall prepare a Subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent Negative Declaration, an Addendum, or no further documentation.*
- (c) *Once a project has been approved, the Lead Agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or Negative Declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the Subsequent EIR has been certified or subsequent Negative Declaration adopted.*
- (d) *A Subsequent EIR or subsequent Negative Declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or Negative Declaration shall state where the previous document is available and can be reviewed.*

Pursuant to CEQA Guidelines Section 15163:

- (a) *The Lead or Responsible Agency may choose to prepare a supplement to an EIR rather than a Subsequent EIR if:*
 - (1) *any of the conditions described in Section 15162 would require the preparation of a Subsequent EIR, and*
 - (2) *only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.*
- (b) *The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.*
- (c) *A supplement to an EIR shall be given the same kind of notice and public review as is given the Draft EIR under Section 15087.*
- (d) *A supplement to an EIR may be circulated by itself without recirculating the previous Draft or Final EIR.*
- (e) *When the agency decides whether to approve the project, the decision-making body shall consider the previous EIR as revised by the Supplemental EIR. A finding under Section 15091 shall be made for each significant effect shown in the previous EIR as revised.*

The proposed Town Center Specific Plan includes changes to the General Plan Land Use Plan for the proposed Specific Plan Area and minor revisions to the analysis provided in the previously certified General Plan EIR to make it adequate for the project as revised. Therefore, in accordance with CEQA Guidelines Section 15162(b) and 15163(b), the City, as the Lead Agency, has prepared this supplement to the previously certified General Plan Environmental Impact Report. This EIR serves as an information document for use by public agencies, the general public, and decision makers. This EIR is not a City of Duarte policy document. It does, however, discuss the impacts of development pursuant to the Town Center Specific Plan, and analyzes project alternatives. This Program EIR will be used by the City of Duarte City Council in assessing impacts prior to adoption of the Specific Plan.

Case Law Regarding the Purpose of an EIR

In addition to the policies declared by the Legislature concerning environmental protection and administration of CEQA in Sections 21000, 21001, 21002, and 21002.1 of the Public Resources Code, the courts of the State have declared the following policies to be implicit in CEQA:

- (a) The EIR requirement is the heart of CEQA. (County of Inyo v. Yorty, 32 Cal. App. 3d 795.)
- (b) The EIR serves not only to protect the environment but also to demonstrate to the public that it is being protected. (County of Inyo v. Yorty, 32 Cal. App. 3d 795.)
- (c) The EIR is to inform other governmental agencies and the public generally of the environmental impact of a proposed project. (No Oil, Inc. v. City of Los Angeles, 13 Cal. 3d 68.)
- (d) The EIR is to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action. (People ex rel. Department of Public Works v. Bosio, 47 Cal. App. 3d 495.)
- (e) The EIR process will enable the public to determine the environmental and economic values of their elected and appointed officials thus allowing for appropriate action come election day should a majority of the voters disagree. (People v. County of Kern, 39 Cal. App. 3d 830.)
- (f) CEQA was intended to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language. (Friends of Mammoth v. Board of Supervisors, 8 Cal. 3d 247.)
- (g) The purpose of CEQA is not to generate paper, but to compel government at all levels to make decisions with environmental consequences in mind. (Bozung v. LAFCO (1975) 13 Cal.3d 263)

- (h) The lead agency must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect. (Citizens Assoc. For Sensible Development of Bishop Area v. County of Inyo (1985) 172 Cal.App.3d 151)
- (i) CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure. A court does not pass upon the correctness of an EIR's environmental conclusions, but only determines if the EIR is sufficient as an informational document. (Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692)
- (j) CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement. (Laurel Heights Improvement Assoc. v. Regents of U.C. (1993) 6 Cal.4th 1112 and Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553)

Organization of the Supplemental EIR

The EIR is divided into three volumes. Volume 1 contains the primary analysis of potential environmental impacts discussed in the following nine sections:

Section 1	Introduction
Section 2	Executive Summary
Section 3	Project Description
Section 4	Environmental Impact Analysis
Section 5	Alternatives
Section 6	Analysis of Long-Term Effects
Section 7	Effects Found Not to be Significant
Section 8	Preparation Team
Section 9	Organizations and Persons Consulted

Volume 2 includes the EIR appendices, including documentation of the scoping process and Notice of Preparation (NOP). The appendices include:

Appendix A:	Scoping Documents
Appendix B:	Initial Study
Appendix C:	Existing Conditions Report
Appendix D:	Traffic Study
Appendix E:	CalEEMod Output Data
Appendix F:	Noise Output Data
Appendix G:	CNDDB Output Data

In compliance with Public Resources Code Section 21081.6, a mitigation monitoring reporting program (MMRP) will be prepared as a separately bound document that will be adopted in conjunction with the certification of the Final EIR. The MMRP, responses to public comments, any revisions to the Draft EIR, and findings will be identified as Volume 3.

Approach to EIR Analysis

As stated above, the approach to the analysis presented in this EIR is programmatic in nature given the broad scope of the Specific Plan. Each environmental issue is analyzed in the same manner, starting with a discussion of the existing environmental setting. Thresholds of significance are then defined, as they are used to measure the project's potential impact in the environmental impact section. The analysis section summarizes the environmental effects over time resulting from implementation of the goals and policies contained in the General Plan elements as analyzed in the previously certified General Plan EIR. The analysis section then examines the environmental effects over time resulting from the implementation of the proposed Town Center Specific Plan. If the analysis indicates that implementation of the

proposed Specific Plan would result in a significant impact not identified in the previously certified General Plan EIR for a particular environmental issue, mitigation measures are included.

For the General Plan update analyzed in the previously certified General Plan EIR, mitigation measures were implemented to ensure that environmental impacts resulting from implementation of the General Plan update would be reduced to less-than-significant levels. Mitigation measures included as part of the previously certified General Plan EIR are applicable to the proposed Specific Plan analyzed in this Supplemental EIR.

For each environmental issue area examined in Section 4.0, the discussion concludes with a statement regarding the level of impact remaining with imposition of the mitigation measures.

Responses to Notice of Preparation

In 2007, to define the scope of the investigation of the General Plan EIR, the City of Duarte distributed a Notice of Preparation (NOP) to city, county, and State agencies; other public agencies; and interested private organizations and individuals. The purpose of the NOP was to identify agency and public concerns regarding potential impacts of the proposed General Plan update. Comment letters on the NOP were received from the following:

- California Department of Transportation, District 7
- County Sanitation Districts of Los Angeles County
- Southern California Gas Company
- Southern California Association of Governments
- City of Irwindale

The comments were addressed in the Final General Plan EIR as follows:

**Table 1-1
General Plan Program EIR NOP Comments**

Commenting Agency/Person	Comment	Addressed in Final General Plan EIR Section
California Department of Transportation, District 7	Additional trips and congestion on local roadways and intersections, and on the regional State transportation system.	4.4 Traffic/Circulation
County Sanitation Districts of Los Angeles County	Impacts to the County Sanitation District of Los Angeles County facilities as a result of an increase in wastewater.	4.13 Wastewater
Southern California Gas Company	Impacts to the Southern California Gas Company lines and facilities as a result of increased use in natural gas.	4.19 Electricity and Natural Gas
Southern California Association of Governments	General Plan Update consistency with Southern California Association of Governments Regional Comprehensive Plan and Guide, Regional Transportation, and Compass Growth Vision.	4.1 Land Use
City of Irwindale	Transportation impacts and land use compatibility along mutual borders.	4.1 Land Use 4.4 Traffic/Circulation

For this Supplemental EIR for the Town Center Specific Plan, the City of Duarte again distributed an NOP to city, county, and State agencies; other public agencies; and interested private organizations and individuals, in order to identify

agency and public concerns regarding potential impacts of the proposed Specific Plan. Comment letters on the NOP were received from the following:

- California Department of Transportation, District 7
- County Sanitation Districts of Los Angeles County
- Southern California Association of Governments
- County of Los Angeles Fire Department

Copies of written comments received during the 30-day public review period for the NOP are included in Appendix A of this EIR. On November 4, 2015, the City conducted a scoping meeting to solicit oral comments on the NOP. Copies of the notes from that meeting are also included in Appendix A. No comments were raised from the public at the scoping meeting regarding the Supplemental EIR. The written comments are addressed in this Supplemental EIR as follows:

Table 1-2
Draft Town Center Specific Plan Supplemental EIR NOP Comments

Commenter	Summary	Addressed in EIR Section
California Department of Transportation, District 7	Recommendations for traffic impact analysis	4.4 Traffic/Circulation
County Sanitation Districts of Los Angeles County	Recommendations and information related to wastewater conveyance and treatment	4.13 Wastewater
Southern California Association of Governments	Recommendations on consistency analysis with Regional Transportation Plan/Sustainable Communities Strategy and regional growth forecasts	4.1 Land Use
County of Los Angeles Fire Department	Information and requests for analysis related to fire protection, access, water systems, hazardous materials, and general environmental concerns	4.4 Traffic/Circulation 4.9 Public Health and Safety 4.12 Water Supply 4.14 Fire Protection

Notice of Completion and Public Review of the Draft Supplemental EIR

Pursuant to Section 15085 of the State CEQA Guidelines, a Notice of Completion (NOC) was filed with the State Office of Planning and Research (OPR) on June 28, 2016. The Draft Supplemental EIR (DSEIR) was circulated for public and agency review for a period of 45 days. Hard copies of the DSEIR were posted at the City of Duarte Planning Division (1600 Huntington Drive), Duarte Library (1301 Buena Vista Street), and Duarte Public Safety Office (1042 Huntington Drive).

Electronic copies of the DSEIR were sent to responsible agencies, local agencies, and concerned agencies and individuals, as requested.

Response to Comments on DSEIR

Comments from all agencies and individuals are invited regarding the information contained in the DSEIR. Such comments should explain any perceived deficiencies in the assessment of impacts and identify the information that is purportedly lacking in the DSEIR or indicate where the information may be found. All comments on the DSEIR are to be submitted to:

Craig Hensley, Community Development Director
City of Duarte
1600 Huntington Drive
Duarte, California 91010
chensley@accessduarte.com

Following a 45-day period of circulation and review of the DSEIR, all comments and the responses to the comments shall be incorporated into a Final Supplemental EIR prior to certification of the document by the City of Duarte.

Availability of EIR Materials

All materials related to the preparation of this Supplemental EIR are available for public review at the following locations:

City of Duarte
Planning Division
1600 Huntington Drive
Duarte, California 91010

Duarte Library
1301 Buena Vista Street
Duarte, California 91010

Duarte Public Safety Office
1042 Huntington Drive
Duarte, California 91010

Citation

Preparation of this EIR relied on information from many sources including the appendix materials previously listed and numerous other references. Pursuant to Section 15148 of the State CEQA Guidelines, citations from the appendix materials and other sources are provided throughout the EIR. Citations are numbered sequentially and inclusive to each environmental impact section (Section 4.1 through 4.19). Citations are located at the end of each environmental impact section. Resources are referenced in the following manner:

BOOKS AND TECHNICAL REPORTS

Author. Agency. Department. Document Title. Publication Date

INTERNET RESOURCES

Author. Agency. Department. Webpage Title. Web Address [Access Date]

PERSONS CONSULTED

Name. Agency. Department. "Personal Communication". Date Consulted

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