

Findings of Fact and  
Statement of Overriding Considerations  
Pursuant to the California Environmental Quality Act

City Council  
of the City of Duarte, CA

for the

General Plan Supplemental EIR for the  
Town Center Specific Plan  
(State Clearinghouse No. 2015101082)

September 13, 2016

## ***Introduction and Purpose***

The “project” addressed in these Findings of Fact is the City of Duarte General Plan Supplemental EIR for the Duarte Town Center Specific Plan.

California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000 et seq.) Section 21081 requires the Lead Agency (the City of Duarte) to issue written findings for significant impacts identified in the Environmental Impact Report (EIR), accompanied by a brief rationale for each finding. Section 15091 of the State CEQA Guidelines states that:

- (a) *No public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant 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 possible findings are:*
  - (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 have been, or can and should be, adopted by that other agency.*
  - (3) *Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.*
- (b) *With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological or other benefits of the project outweigh the significant effects on the environment.*

In accordance with Public Resources Code Section 21081, whenever significant impacts cannot be substantially mitigated and remain unavoidable, the benefits of the proposed project must be balanced against the unavoidable environmental consequences in determining whether to approve the project. The Lead Agency must make Findings of Fact and adopt a Statement of Overriding Considerations where the decision of the Lead Agency allows the occurrence of significant effects that are identified in the EIR, but are not substantially mitigated.

This document sets forth the City of Duarte’s Findings of Fact, pursuant to Section 21081 of the Public Resources Code, as supported by substantial evidence in the record.

## **Project Description**

The proposed project is the adoption and implementation of the Duarte Town Center Specific Plan (“project”). The Specific Plan identifies the long-term vision and objectives for private development and public improvements along portions of Huntington Avenue, Highland Avenue, and Buena Vista Street in the City of Duarte. The project “planning area” encompasses approximately 75 net acres and includes land use designations/zoning districts supporting mixed-use, commercial, residential, and public facility uses. The Specific Plan uses an incentive-based bonus system to advance the vision of the Duarte Town Center Specific Plan and encourage the provision of additional community benefits. This system will allow the City to capture a portion of the market value added to properties through the Specific Plan policies and regulations by providing incentives for projects to contribute community benefits and/or

community benefit funds in exchange for additional floor area, height, and/or the inclusion of a residential component for qualified projects.

The proposed Specific Plan would allow flexibility with regard to land uses, but for the purpose of CEQA, the theoretical maximum development capacity allowed by the Specific Plan has been analyzed in the SEIR to provide a conservative estimate of potential impacts from full build-out. The City estimates that the Specific Plan will support development of up to 800 residential units but has used a higher build-out number in the EIR of 1,143 residential units. Also assumed are 732,712 square feet of commercial uses and 450 hotel rooms. Compared to existing land uses, this development would result in net increases of 1,036 residential units, 217,021 square feet of commercial development, and 331 hotel rooms. The theoretical maximum build-out of the planning area is based on an analysis of existing underutilized sites that may redevelop.

The Duarte Town Center Specific Plan would provide new development standards and incentives for redevelopment, particularly with regard to underutilized commercial spaces and vacant properties. The Specific Plan will establish land use, transportation, infrastructure, economic development, and urban design strategies to promote well-balanced retail development, mixed-use and residential development, and active civic and public places.

### **Initial Study, Notice of Preparation, and Supplemental EIR**

In accordance with Section 15063 of the CEQA Guidelines, a Lead Agency must conduct an Initial Study following preliminary review of a proposed project. Based on an initial project description, the City prepared an Initial Study in October of 2015 and prepared and published a Notice of Preparation (NOP). The NOP was circulated for public review and comment for a 30-day review period beginning on October 23, 2015. In accordance with CEQA Guidelines Section 15163, the City, as the Lead Agency, has prepared a Supplement to the previously certified General Plan Program Environmental Impact Report (SCH No. 2015101082).

### **Mitigation Monitoring Reporting Program**

As required by Public Resources Code Section 21081.6, a program for reporting on and monitoring project mitigation is included in the Final SEIR (Section 5) for adoption by the Lead Agency.

### **Location of Documents**

The Draft SEIR, Final SEIR, and administrative record for the Town Center Specific Plan project are available for review upon request at:

City of Duarte  
Planning Division  
1600 Huntington Drive  
Duarte, California 91010  
626.357.7931

### **Discussion of Findings**

Where, as a result of the environmental analysis of the project and the identification of feasible mitigation measures, potentially significant impacts have been determined by the City to be reduced to a level of less than significant, the City has found in accordance with Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1) that "Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment." Such a finding is referred to herein as **Finding 1**.

Where the City has determined pursuant to CEQA Section 21081(a)(2) and State CEQA Guidelines Section 15091(a)(2) that "Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency," the City's finding is referred to as **Finding 2**. This finding is not required to be made because all mitigation is under the jurisdiction of the Lead and Responsible Agencies.

Where, as a result of the environmental analysis of the project, the City has determined that (a) even with the identification of project design features, compliance with existing laws, codes and statutes, and/or the identification of feasible mitigation measures, potentially significant impacts cannot be reduced to a level of less than significant, or (b) no feasible mitigation measures or alternatives are available to mitigate the potentially significant impact, the City has found in accordance Public Resources Code Section 21081(a)(3) and State CEQA Guidelines Section 15091(a)(3) that “Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.” Such a finding is referred to as **Finding 3**.

References for discussion of environmental impacts within the Final SEIR are noted with each finding. Impact numbers refer to the section number and the threshold letter referenced in the Final SEIR where the full discussion of impacts is included.

## ***Effects Determined to Be Less than Significant***

### **Initial Study**

An Initial Study was prepared for the previously certified General Plan EIR and circulated publicly on March 12, 2007. In the course of this evaluation prepared for the previously certified General Plan EIR, certain impacts of the General Plan Update were found to be less than significant due to the inability of the General Plan update to create such impacts or the absence of project characteristics producing effects of this type. The following discussion describes the potential impacts found not to be significant as a result of implementation of the General Plan Update.

The Initial Study prepared for the Town Center Specific Plan Supplemental EIR was publicly circulated for a 30-day period beginning October 23, 2015. The Initial Study determined that the impacts related to aesthetics, agriculture and forestry resources, biological resources, cultural resources, geology and soils, mineral resources, public services, and recreation would not occur or would be less than significant; however, in order to maintain consistency with the previously certified General Plan EIR, impacts analyzed in the Supplemental EIR are the same as those analyzed in the certified General Plan EIR.

The following impacts were identified as “no impact” or “less than significant impact” in the Initial Study prepared for the certified General Plan EIR.

### ***Aesthetics***

- 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.
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.
- Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production.\*

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\* The previously certified General Plan EIR did not analyze impacts to forestry resources because the General Plan EIR was certified before the CEQA Appendix G Initial Study Checklist included forestry resources. The Initial Study prepared for the certified General Plan EIR determined that no impacts to

- 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 forest land to non-forest use.\*

### ***Air Quality***

- Create objectionable odors affecting a substantial number of people.

### ***Biological Resources***

- 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.
- 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.

### ***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.
- 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.

### ***Hazardous and Hazardous Materials***

- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.
- 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.

### ***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.
- 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.

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*agricultural resources would result due to the built-out nature of the City. There are no lands used for or designated for agricultural or forestry resources within the City of Duarte. Therefore, no impact to forestry resources would result due to the built-out nature of the City and the proposed Planning Area.*

**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 of 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 parking capacity.

**Environmental Impact Report**

Consistent with the certified General Plan EIR, the Final SEIR found that the proposed project would have a less than significant impact on a number of environmental topics. The following less than significant impact determinations were made:

**Land Use**

- Inconsistency impacts with federal and state plans and policies would remain less than significant.
- Inconsistency with policies in SCAG's Regional Comprehensive Plan and Guide would remain less than significant.
- Impacts related to inconsistencies with the principles and strategies of SCAG's Southern California Compass Growth Visioning Program would remain less than significant.
- Impacts related to inconsistencies with local plans and policies would remain less than significant.
- Impacts related to indirect land use incompatibilities would remain less than significant.

**Population and Housing**

- Impacts related to population growth would remain less than significant.
- Impacts related to the City's housing stock would remain less than significant.
- Impacts related to employment growth would remain less than significant.

**Aesthetics**

- Impacts related to the visual quality and character of the surrounding urban environment would remain less than significant.
- Impacts due to light and glare affecting sensitive receptors would remain less than significant.
- Impacts related to shade and shadow effects on adjacent buildings would remain less than significant.

- Implementation of the proposed Specific Plan would not result in adverse impacts on a scenic vista. Impacts would remain less than significant.

#### **Traffic and Circulation**

- Implementation of the proposed Specific Plan would not result in inconsistencies with the Congestion Management Plan, Air Quality Management Plan, or Regional Mobility Plan. Impacts would remain less than significant.
- Implementation of the proposed Specific Plan would not result in inadequate emergency access. Impacts would remain less than significant.
- Implementation of the proposed Specific Plan would not result in inadequate design features or incompatible uses. Impacts would remain less than significant.
- Impacts related to demand for transit service and alternative transportation-supporting policies would remain less than significant.

#### **Air Quality**

- The proposed project would not result in a cumulative increase of criteria pollutants from construction activities and would therefore not violate air quality standards. Impacts would remain less than significant.
- Future development facilitated by the proposed Specific Plan would not result in carbon monoxide hotspots. Impacts would remain less than significant.
- Build-out of the proposed Specific Plan would not conflict with or obstruct implementation of the SCAG's *Regional Comprehensive Plan* or the South Coast Air Quality Management District's AQMP. Impacts would remain less than significant.
- Build-out of the proposed Specific Plan would not generate direct or indirect greenhouse gas emissions that would contribute considerably to global climate change. Impacts would be less than significant.
- The proposed project is consistent with the State Scoping Plan in support of the California Global Warming Solutions Act (AB 32). Impacts would be less than significant.

#### **Noise**

- Traffic noise impacts associated with Specific Plan build-out would remain less than significant.
- Impacts related to stationary noise sources outside of the City of Duarte would remain less than significant.

#### **Geology and Seismic Hazards**

- Impacts related to fault rupture would remain less than significant.
- Impacts related to building damage during a seismic ground shaking event would remain less than significant.
- Impacts related to liquefaction would remain less than significant.
- Impacts related to landslides would remain less than significant.
- Impacts related to soil erosion would remain less than significant.
- Impacts related to expansive soil and soil strength would remain less than significant.

#### **Public Health and Safety**

- Impacts related to the accidental release of hazardous materials and interference with the adopted emergency response plan would remain less than significant.
- Impacts related to the exposure of persons and structures to a risk of loss, injury, or death involving wildland fires would remain less than significant.
- Impacts related to the dam inundation would remain less than significant.

#### **Biological Resources**

- Impacts to species identified as candidate, sensitive, or special status species would remain less than significant.
- Impacts to sensitive natural communities would remain less than significant.

## *2 Statement of Overriding Considerations*

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- Implementation of the proposed Specific Plan would not interfere substantially with the movement of a native resident or migratory wildlife species. Impacts would remain less than significant.

### *Fire Protection*

- Implementation of the proposed Specific Plan would not result in the need for additional fire facilities or personnel. Impacts would remain less than significant.

### *School Facilities*

- Physical impacts to Duarte Unified School District would remain less than significant.

### *Parks, Recreation Facilities, and Trails*

- Impacts to adequate availability of parkland and recreational facilities would remain less than significant.

### *Electricity and Natural Gas*

- Impacts related to electricity demand would remain less than significant.

## *Findings for Significant but Mitigable Impacts*

### **Transportation and Traffic**

Section 4.4 (Transportation and Traffic) of the SEIR identifies potential significant impacts pertaining to traffic volumes, but concludes that impacts can be mitigated to less than significant levels.

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**IMPACT: Implementation of the proposed Specific Plan would not result in an increase in traffic volumes which would impact the level of service within the Planning Area. Impacts would remain less than significant.**

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### *Substantial Evidence*

Evidence supporting the fact that the environmental effects regarding traffic volumes and level of service (LOS) would be substantially lessened is provided in Section 4.4 of the SEIR as supported by the technical report provided as Appendix D. Section 4.4 identifies long-term cumulative traffic impacts related to General Plan build-out to six intersections. The 2007 General Plan EIR included Mitigation Measures TR-1 through TR-3 to increase capacity and enhance traffic flow along Huntington Drive and Mountain Avenue. These measures include consideration of peak-period parking restrictions, intersection improvements, and traffic signal coordination, respectively.

Implementation of the Specific Plan would result in long-term cumulative traffic impacts to five intersections. Mitigation Measures TR-4 through TR-7 have been included to reduce impacts to identified roadways. In addition, General Plan policies and implementation measures require evaluation of traffic impacts from development projects, widening of substandard streets, implementation of the roadway plan provided in the Circulation Element, and encouragement of alternative transportation.

Related to traffic impacts, the 2007 General Plan EIR required the following mitigation that remains applicable to the proposed Specific Plan:

- TR-1 For the entire length of Huntington Drive, for Mountain Avenue between Huntington Drive and Duarte Road, and for any other arterial roadways that are determined to operate at unacceptable conditions, measures shall be taken to increase the capacity and enhance traffic flow during peak periods.



- TR-2 Right-of-way dedications shall be required of development applicants to accommodate the recommended roadway cross-sections and the enhanced intersection improvements at major intersections.
- TR-3 The City of Duarte shall consider the implementation of a traffic impact fee program that would require developers to provide a fair-share contribution to a pool of funds that could be used for future transportation system improvements.

Related to traffic impacts resulting from the proposed Specific Plan, the following mitigation measures are required:

- TR-4 **Huntington Drive/Cotter Avenue and Central Avenue/I-210 WB Freeway off-ramp** – Install traffic signal controls when warranted and approved by the City Traffic Engineer and Caltrans (Caltrans approval for the Central Avenue/I-210 WB off-ramp location). Traffic conditions shall be monitored over time as the Specific Plan land uses are implemented, and traffic signal warrants shall be reviewed periodically, to determine if or when applicable warrants are met and the locations satisfy the standards for installation of a traffic signal.
- TR-5 **Huntington Drive/Mount Olive Street** – Add a fourth northbound lane to create a dual right turn lane in addition to a left turn lane and a shared/through left turn lane.
- TR-6 **Huntington Drive/Buena Vista Street** – At the appropriate time and when traffic volumes and conditions warrant in the future, provide double southbound left turn lanes.
- TR-7 **Huntington Drive/Mountain Avenue** – At the appropriate time and when traffic volumes and conditions warrant, provide double southbound left turn lanes.

*Finding*

Based on substantial evidence in the SEIR and the public record regarding traffic volumes and levels of service, the City hereby makes **Finding 1** that changes or alterations have been required of, or incorporated into, the project to mitigate or avoid the significant effects on the environment.

**Noise**

Section 4.6 (Noise) of the SEIR identifies potential significant impacts pertaining to construction-related noise impacts, but concludes that impacts can be mitigated to less than significant levels.

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**IMPACT: Construction-related noise impacts related to future development within the Specific Plan area would remain less than significant with mitigation incorporated.**

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*Substantial Evidence*

Evidence supporting the fact that the environmental effects related to construction noise will be substantially lessened is provided in Section 4.6 of the SEIR, as supported by the technical data provided as Appendix F. Section 4.6 identifies potential noise impacts associated with future construction activity. The 2007 General Plan EIR includes Mitigation Measures N-1 through N-4 requiring mitigation of construction equipment noise, sound attenuation, and noise-reduction techniques in site planning. In addition, Section 9.68.120 (Construction of Buildings and Projects) of the Duarte Municipal Code prohibits operation of construction equipment between the hours of 10:00 P.M. and 7:00 A.M. With compliance with Chapter 9.68 of the Duarte Municipal Code, noise levels at sensitive receptors would be analyzed on a case-by-case basis and appropriate mitigation would be applied to bring noise levels down to acceptable levels. Implementation of Mitigation Measures N-1 through N-4 and compliance with Duarte Municipal Code Chapter 9.68 would ensure that noise from future construction activity within would be reduced to acceptable levels.

## 2 Statement of Overriding Considerations

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Related to construction noise, the 2007 General Plan EIR required the following mitigation measures that remain applicable to the proposed Specific Plan:

- N-1 Mitigate transportation equipment impacts at construction sites, such as temporary noise buffers/barriers.
- N-2 Ensure noise mitigation techniques are incorporated into all construction-related activities.
- N-3 Reduce noise generated by construction activities by requiring sound attenuation devices on construction equipment.
- N-4 Require noise-reduction techniques in site planning, architectural design, and construction where noise reduction is necessary.

### *Finding*

Based on substantial evidence in the SEIR and the public record regarding construction-related noise impacts, the City hereby makes **Finding 1** that changes or alterations have been required in, or incorporated into, the project to mitigate or avoid the significant effects on the environment.

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**IMPACT: Impacts related to stationary noise sources within the City of Duarte would remain less than significant with mitigation incorporated.**

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### *Substantial Evidence*

Evidence supporting the fact that the environmental effects related to stationary noise will be substantially lessened is provided in Section 4.6 of the SEIR. Section 4.6 identifies potential stationary noise impacts associated with operation of commercial uses. Stationary noise sources due to operation of commercial uses would include delivery trucks, air compressors, generators, outdoor loudspeakers, and gas vents. The 2007 General Plan EIR includes Mitigation Measure N-5 requiring that mixed-use structures be designed to prevent transfer of noise from commercial to residential uses. In addition, General Plan policies require project-specific noise analyses under certain circumstances to ensure that noise levels are within normally acceptable levels, as defined by City and State noise control guidelines. Implementation of Mitigation Measure N-5 and compliance with City and State noise control guidelines would ensure that stationary noise from operation of commercial uses would not impact residential uses.

Related to stationary noise, the following mitigation was required by the 2007 General Plan EIR and remains applicable to the proposed Specific Plan:

- N-5 Require that mix-use structures be designed to prevent transfer of noise and vibration from the commercial to residential uses.

### *Finding*

Based on substantial evidence in the SEIR and the public record regarding stationary noise impacts, the City hereby makes **Finding 1** that changes or alterations have been required in, or incorporated into, the project to mitigate or avoid the significant effects on the environment.

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**IMPACT: Impacts related to groundborne vibration would remain less than significant with mitigation incorporated.**

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### *Substantial Evidence*

Evidence supporting the fact that the environmental effects related to groundborne vibration will be substantially lessened is provided in Section 4.6 of the SEIR. Section 4.6 identifies potential vibration impacts associated with construction of future development projects and roadway improvements. Building and roadway construction has the potential to generate perceptible vibration levels to sensitive receptors within 20 feet from the operation of heavy

equipment. The proposed Specific Plan would allow mixed-use developments, with residential above commercial up to the property line with no setback. Therefore, residential land uses adjoining roadway and intersection improvement projects would likely be subject to distinctly perceptible vibration levels over extended periods of time. In addition to reduction impacts related to stationary noise transfer from commercial to residential projects, Mitigation Measure N-5 requires that building design prevent the transfer of vibration to residential uses. Implementation of Mitigation Measure N-5 and compliance with City and State noise control guidelines would ensure that stationary noise from operation of commercial uses would not impact residential uses.

Related to vibration, the following mitigation was required by the 2007 General Plan EIR and remains applicable to the proposed Specific Plan:

- N-5 Require that mix-use structures be designed to prevent transfer of noise and vibration from the commercial to residential uses.

*Finding*

Based on substantial evidence in the SEIR and the public Record regarding stationary noise impacts, the City hereby makes **Finding 1** that changes or alterations have been required in, or incorporated into, the project to mitigate or avoid the significant effects on the environment.

## Hydrology and Drainage

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**IMPACT: Implementation of the proposed Specific Plan would not violate water quality standards and waste discharge requirements. Impacts would remain less than significant with mitigation incorporated.**

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*Substantial Evidence*

Evidence supporting the fact that the environmental effects related to water quality standard and waste discharge requirements will be substantially lessened is provided in Section 4.8 of the SEIR. Section 4.8 identifies potential increases in sediment load of the storm drain system and potential for chemical releases associated with future development within the Planning Area. The 2007 General Plan EIR includes Mitigation Measures HYD-1 and HYD-2 requiring preparation of drainage/grading plans and the construction of parkway drains or similar devices prior to issuance of grading and building permits, respectively. In addition, future development would be subject to the provisions of the National Pollution Discharge Elimination System (NPDES) to protect downstream water quality and the General Permit for Storm Water Discharges Associated with Construction Activity issued by the State Water Quality Control Board. Operationally, future development would be required to prepare water quality management plans (WQMP) to implement measures, as outlined by the Los Angeles Regional Water Quality Control Board (RWQCB), providing thorough descriptions of operation maintenance activities maintenance of best management practices. Implementation of Mitigation Measures HYD-1 and HYD-2 and compliance with NPDES, General Permit, and Los Angeles RWQCB requirements and regulations would ensure that impacts would be reduced to less than significant levels.

With regard to water quality standards and waste discharge requirements, the following mitigation was required by the 2007 General Plan EIR and remains applicable to the proposed Specific Plan:

- HYD-1 Individual development projects shall be required to prepare a drainage/grading plan for approval by the City of Duarte Department of Public Works prior to issuance of grading permits.
- HYD-2 Individual development projects shall be required to construct any parkway drains or similar devices required by the draining/grading plan prior to issuance of a building permit.

*Finding*

Based on substantial evidence in the SEIR and the public record regarding water quality and waste discharge impacts, the City hereby makes **Finding 1** that changes or alterations have been required in, or incorporated into, the project to mitigate or avoid the significant effects on the environment.

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## Public Health and Safety

**IMPACT: Impacts related to increased risk of upset associated with the routine generation, transport, use, or disposal of hazardous materials and hazardous air emissions would remain less than significant with mitigation incorporated.**

### *Substantial Evidence*

Evidence supporting the fact that the environmental effects related to increased hazard with routine generation, transport, use, or disposal of hazardous materials and hazardous air emissions will be substantially lessened is provided in Section 4.9 of the SEIR. Section 4.9 identifies potential increases in the use and transport of hazardous materials and hazardous waste with increases in non-residential development. The 2007 General Plan EIR includes Mitigation Measures PHS-1 and PHS-2 requiring that viable alternatives to hazardous materials be provided to businesses and listed on the City's website to encourage the use of non-hazardous substitutions. In addition, future development would be subject to Federal, State, and local regulations, including California Proposition 65, requiring that businesses notify Californians about significant amounts of chemicals in the products they purchase, in their homes or workplaces, or that are released into the environment. Fire departments would also inspect businesses annually for adequate storage, handling, and labeling practices. Generators of toxic air emissions are required to obtain facility permits for equipment producing those emissions from the South Coast Air Quality Management District. Therefore, implementation of Mitigation Measures PHS-1 and PHS-2, along with implementation of regulatory measures, would ensure that impacts would be less than significant.

With regard to hazardous materials use, generation, and transport, the following mitigation was required by the 2007 General Plan EIR and remains applicable to the proposed Specific Plan:

- PHS-1 Provide information to businesses on viable alternatives to hazardous materials. Create an informational pamphlet with existing hazardous material substitutions and retailers that sell the materials. Offer the information to applicable business owners who are required to file as a hazardous waste handler in the City.
- PHS-2 Provide information on viable alternatives to household hazardous materials on the City's website so households may use alternatives. Information will also educate the public to the health, safety, and environmental benefits of using non-hazardous substitutions.

### *Finding*

Based on substantial evidence in the SEIR and the public record regarding hazardous materials impacts, the City hereby makes **Finding 1** that changes or alterations have been required in, or incorporated into, the project to mitigate or avoid the significant effects on the environment.

## Cultural Resources

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**IMPACT: Implementation of the proposed Specific Plan could result in the degradation or loss of historical or cultural resources, destroy paleontological resources, or disturb human remains. Impacts would remain less than significant with mitigation incorporated.**

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### *Substantial Evidence*

Evidence supporting the fact that the environmental effects related to degradation or loss of historical, cultural, and paleontological resources and human remains will be substantially lessened is provided in Section 4.10 of the SEIR. Section 4.10 identifies potential impacts to historic resources where new development supplants older development, archaeological and paleontological resources and human remains during ground-disturbing activities. Impacts to historic resources were determined to be less than significant with implementation of the Secretary of the Interior's Standards for Rehabilitation. The 2007 General Plan EIR includes Mitigation Measure CR-1, which requires that all work be stopped and that a qualified archaeologist be retained to evaluate the significance of any resources uncovered during excavation and grading activities. The treatment of all resources uncovered are subject to State

requirements and regulations of the Native American Heritage Commission (NAHC). Should any human remains be uncovered, the 2007 General Plan EIR includes Mitigation Measure CR-2 requiring that all activity cease and the County Coroner and a qualified archaeologist and Native American monitor be notified. Therefore, implementation of Mitigation Measures CR-1 and CR-2 and compliance with applicable State, Federal, and NAHC requirements would ensure that impacts would be less than significant.

With regard to historical and cultural resource impacts, the following mitigation was required by the 2007 General Plan EIR and remains applicable to the proposed Specific Plan:

- CR-1 During excavation and grading activities of any future development project, if archaeological resources are discovered, the project contractor shall stop all work and shall retain a qualified archaeologist to evaluate the significance of the finding and appropriate course of action. Salvage operation requirements pursuant to Section 15064.5 of the CEQA Guidelines shall be followed, and the treatment of discovered Native American remains shall comply with State codes of regulations of the Native American Heritage Commission.
- CR-2 If human remains are discovered during the development of any projects, all activity shall cease immediately, and the project contractor shall notify the Los Angeles County Coroner's Office immediately under State law, and a qualified archaeologist and Native American monitor shall be contacted. Should the Coroner determine the human remains to be Native American, the Native American Heritage Commission shall be contacted pursuant to Public Resources Code Section 5097.98.

#### *Finding*

Based on substantial evidence in the SEIR and the public record regarding impacts to historic, archaeological, and paleontological resources, and human remains, the City hereby makes **Finding 1** that changes or alterations have been required in, or incorporated into, the project to mitigate or avoid the significant effects on the environment.

#### **Wastewater**

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**IMPACT: Impacts related to increased demand for sewer service would remain less than significant with mitigation incorporated.**

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#### *Substantial Evidence*

Evidence supporting the fact that the environmental effects related to demands for sewer service will be substantially lessened is provided in Section 4.13 of the SEIR. Section 4.13 identifies potential impacts related to increased demand for sewer service. Build-out of the General Plan and the Specific Plan would result in increased wastewater flow. As discussed, increased flows would not significantly impact overall operations of the Los Angeles County Department of Public Works. The County Sanitation Districts of Los Angeles County will only allow new developments to connect to their systems if sufficient capacity is available. In addition, the 2007 General Plan EIR includes Mitigation Measures WW-1 and WW-2 requiring payment of connection fees and preparation of an engineering study to determine adequacy of sewer systems for new developments. Implementation of Mitigation Measures WW-1 and WW-2 would ensure that impacts would be less than significant.

With regard to wastewater treatment, the following mitigation was required by the 2007 General Plan EIR and remains applicable to the proposed Specific Plan:

- WW-1 Prior to issuance of a wastewater permit, payment of connection fees shall be made to connect (directly or indirectly) to CSDLAC's sewerage systems.
- WW-2 Prior to issuance of building permits, an engineering study shall be required to determine the adequacy of the sewer systems.

*Finding*

Based on substantial evidence in the SEIR and the public record regarding increases in sewer service, the City hereby makes **Finding 1** that changes or alterations have been required in, or incorporated into, the project to mitigate or avoid the significant effects on the environment.

**Police Protection**

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**IMPACT: Implementation of the proposed Specific Plan would not result in the need for additional police facilities or personnel. Impacts would remain less than significant with mitigation incorporated.**

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*Substantial Evidence*

Evidence supporting the fact that the environmental effects related to police protection will be substantially lessened is provided in Section 4.15 of the SEIR. Section 4.15 identifies potential impacts related increases in police services due to a larger potential service population. The 2007 General Plan EIR includes Mitigation Measure PP-1, which requires the promotion of citizen involvement in crime prevention and public safety to alleviate the demands on police services. In addition, new developments would be required to pay development fees necessary for the Los Angeles Sheriff's Department to maintain adequate levels of service within the City. Implementation of Mitigation Measure PP-1 and payment of development impact fees would ensure that impacts would be less than significant.

With regard to police protection, the following mitigation was required by the 2007 General Plan EIR and remains applicable to the proposed Specific Plan:

- PP-1 Promote citizen involvement in crime prevention and public safety through programs, education, and other methods.

*Finding*

Based on substantial evidence in the SEIR and the public record regarding increases in sewer service, the City hereby makes **Finding 1** that changes or alterations have been required in, or incorporated into, the project to mitigate or avoid the significant effects on the environment.

**Solid Waste**

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**IMPACT: Impacts due to increased solid waste generation would remain less than significant with incorporation of General Plan policies and implementation measures and General Plan EIR mitigation.**

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*Substantial Evidence*

Evidence supporting the fact that the environmental effects related to solid waste generation will be substantially lessened is provided in Section 4.18 of the SEIR. Section 4.18 identifies potential impacts related to increases in solid waste generation due to a larger potential service population. The 2007 General Plan EIR Mitigation Measures SW-1 through SW-5 require educating residents and businesses on the reduction, recycling, and disposal of solid waste, recycling bins at all construction sites and non-residential uses, encouraging composting, and locating recycling bins in proximity to waste bins to reduce the amount of solid waste disposed at landfills. Mitigation Measures SW-6 and SW-7 require that the placement of recycling bins not conflict with applicable Federal, State, or local regulations. Implementation of Mitigation Measures SW-1 through SW-7 and compliance with State and local solid waste reduction rates would ensure that impacts would be less than significant.

With regard to solid waste impacts due to additional waste generated by implementation of the Specific Plan, the following mitigation was required by the 2007 General Plan EIR and remains applicable to the proposed Specific Plan:

- SW-1 Provide education and outreach to residents and businesses to contribute to the reduction, recycling, and disposal of solid wastes.

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- SW-2 Recycling bins shall be provided by project applicants at all construction sites. All recyclable materials currently being accepted at either landfills and/or recycling centers shall be directed for recycling at construction sites.
- SW-3 On-site recycling bins shall be required for retail, business, office, and manufacturing and industrial facilities. Location of bins may require review by the City's Architectural Review Board.
- SW-4 Encourage composting as an alternative to disposal for organic waste.
- SW-5 Commercial and industrial developments shall be required to locate recycling/separation bins in proximity to waste bins for non-recyclables, elevators, loading docks, and primary internal and external access points.
- SW-6 The location of recycling/separation bins shall not be in conflict with any applicable Federal, State, or local laws relating to fire, building, access, transportation, circulation, or safety.
- SW-7 Recycling containers/bins at commercial and industrial facilities shall be located so that they do not block access to each other.

*Finding*

Based on substantial evidence in the SEIR and the public record regarding increases in solid waste production, the City hereby makes **Finding 1** that changes or alterations have been required in, or incorporated into, the project to mitigate or avoid the significant effects on the environment.

***Findings for Significant and Unavoidable Impacts***

The 2007 General Plan EIR identified increases in criteria pollutants and water demand as significant impacts that cannot be mitigated to less than significant levels. As presented in the SEIR, the City also finds that impacts pertaining to increases in criteria pollutants and water demand from the proposed Specific Plan can similarly not be mitigated to a less than significant level.

The City finds, based on the facts set forth in the administrative record, which include but are not limited to the facts as set forth below, those facts contained in the SEIR, and any other facts set forth in materials prepared by the City, or the City's or Project proponent's consultants, that there are no additional, feasible mitigation measures, changes, or alternative available to reduce the significant and unavoidable impacts identified below, beyond those identified in the mitigation measures adopted for the project.

Therefore, as outlined in Public Resource Code Section 21081(b) and State CEQA Guidelines Section 15093, as adoption of the project will require a Statement of Overriding Considerations for criteria pollutant and water supply impacts, which is included with these Findings. As fully described in the Statement of Overriding Considerations (Section 2 herein), the City has concluded and hereby finds and declares that, based on substantial evidence, that the project's significant and unavoidable impacts are outweighed by the project's benefits, including but not limited to the project's significant benefits to the residents of the City of Duarte.

Accordingly, based on substantial evidence in the SEIR and the administrative record, the City finds and declares, pursuant to State CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social, technical or other considerations, including accomplishing the project objectives, make infeasible any additional mitigation measures or Project alternatives identified in the SEIR. Project benefits have been identified and listed below.

- The project's implementation would help ensure orderly, integrated, and compatible development in response to current and emerging local and regional land use and development trends.

## 2 Statement of Overriding Considerations

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- The project will maintain the City's economic viability and productivity over the long term through a comprehensive plan for revitalization of the Huntington Boulevard and Buena Vista Street corridors.
- The project's circulation system is consistent with the Congestion Management Plan for Los Angeles County, Air Quality Management Plan, and the Regional Mobility Plan.
- The project provides a general framework for land use and infrastructure development over the next 20 years. Individual components of the project will be a subject of additional environmental analyses and review.
- The project utilizes land use planning techniques such as infill and mixed-use development that reduce environmental strain and pollution and that promote social and physical health.
- A dynamic range of uses and activities would include restaurants and cafes opening onto sidewalks, paseos, and public plazas; increased residential and mixed-use projects to provide support for local businesses; and an enhanced built environment through unified urban design and streetscape amenities. These land use and development approaches promote walking and other healthful activities.
- The project establishes use regulations and development standards that would tailor and share building form to add new vibrancy to the entire Town Center.
- The project would facilitate the creation of a balanced district with a mix of residential, commercial, retail, services, civic, and cultural uses.
- The project would create new housing opportunities for residents of all income ranges within a convenient walking or biking distance from the Gold Line station.
- The project would provide locations for diverse businesses that would complement the current business environment.

### Air Quality

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#### IMPACTS:

Development under the proposed Specific Plan could result in an overall increase in mobile source emissions within the City which may exceed SCAQMD air quality standards.

Regional air quality emissions resulting from short-term and long-term activities within the proposed Specific Plan could impact regional air quality levels on a cumulative basis.

Regional air quality emissions resulting from the proposed Specific Plan could impact regional air quality levels on a cumulative basis.

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#### *Substantial Evidence*

Section 4.5 of the SEIR identifies a potentially significant impact related to increases in mobile source emissions, cumulative short- and long-term operational emissions, and cumulative regional emissions. Pursuant to the discussion in Section 4.5 of the SEIR, future development under the proposed Specific Plan could result in an overall increase in mobile and stationary source emissions and short- and long-term construction and operational emissions that could exceed SCAQMD daily air quality standards. Projected population increases associated with build-out of the Specific Plan would result in a corresponding increase in the number of automobiles and vehicular pollutants. Future development projects that generate construction-related or operational emissions may result in cumulatively considerable increases in criteria pollutants, potentially violating air quality standards.

Pursuant to existing law, future development associated with build-out of the proposed Specific Plan would be required to prepare an air quality impact analysis for individual development projects where possible emissions could impact sensitive receptors. Such analyses would include project-specific mitigation measures, as appropriate. Therefore, future projects would be assessed on a case-by-case basis under the purview of the City. In addition, future development would be subject to goals and policies of the General Plan, listed below, which encourage preferential parking for alternative-fuel vehicles, synchronization of traffic signals to reduce idling emissions, require the preparation of enforcement of a dust reduction ordinance that addresses mobile and stationary sources, collaboration with local transit agencies and AQMD, and establishment of mixed-use developments to minimize



vehicle trips. For purposes of analysis cumulative emissions within the Planning Area due to build-out of the Specific Plan, impacts would be significant and unavoidable.

- P AQ 1.1.1 Facilitate communications among residents, businesses and the Southern California Air Quality Management District (AQMD) to quickly resolve air pollution nuisance complaints. Distribute information to advise residents on how to register a complaint with the AQMD (cut smog program).
- P AQ 1.1.2 Promote and support mixed-use land patterns that allow the integration of retail, office, institutional and residential uses.
- P AQ 1.2.1 Establish a Mixed-Use Zoning District that offers incentives for mixed-use developments.
- P AQ 1.2.2 Create opportunities to receive State transportation funds by adopting incentives (e.g. and expedited review process) for planning and implementation infill development projects that include job centers and clean transportation nodes (e.g. preparation of a “transit village” plan).
- P AQ 2.1.1 Collaborate with local transit agencies to:
  - Develop programs and educate employers about employee rideshare and transit.
  - Establish mass transit mechanisms for the reduction of work-related and non-work related vehicle trips.
  - Promote mass transit ridership through careful planning of routes, headways, origins and destination, and types of vehicles.
- P AQ 2.1.2 Provide merchants with fliers/posters that publicize mass transit schedules to encourage their customers to use mass transit.
- P AQ 2.1.3 Consider providing incentives such as preferential parking for alternative-fuel vehicles (e.g., compressed natural gas (CNG) or hydrogen).
- IM Work with AQMD and other agencies to receive grants for alternative modes of transportation and improved traffic flow.
- P AQ 2.2.1 Synchronize traffic signals throughout the City and with adjoining cities while allowing free flow of mass transit systems.
- IM Continue to collaborate with adjacent cities to improve traffic flow.
- P AQ 2.2.2 Monitor traffic and congestion to determine when and where the city needs new transportation facilities to achieve increased mobility and efficiency.
- IM Perform traffic studies yearly and/or require traffic studies as development occurs.
- P AQ 2.2.3 Consider replacing existing vehicles in the City fleet with the cleanest vehicles commercially available.
- IM Prepare a vehicle replacement plan.
- P AQ 2.3.1 Develop and coordinate a plan with local agencies for cost-effective use of AB 2766 (emissions reductions benefits) funds so that revenue is used for projects and programs identified in the AQMP.

## 2 Statement of Overriding Considerations

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- IM Work with AQMD and other agencies to receive grants for alternative modes of transportation and improved traffic flow.
- P AQ 2.3.2 Develop and adopt a policy to utilize federal Congestion Mitigation and Air Quality Improvement (CMAQ) funds in coordination with regional agencies in a manner consistent with projects approved in the AQMP.
- IM Work with AQMD and other agencies to receive grants for alternative modes of transportation and improved traffic flow.
- P AQ 2.3.3 Apply annually to the AQMD Mobile Source Reduction Committee (MSRC) for AB 2766 "Local Government Match Program" grants for projects that reduce mobile source emissions (e.g. purchases of alternative-fueled vehicles).
- IM Perform traffic studies yearly and/or require traffic studies as development occurs.
- P AQ 2.3.4 Seek opportunities to pool AB 2766 revenue with neighboring cities to fund programs that will reduce mobile source emissions (e.g., traffic synchronization, fueling station infrastructure, teleconferencing facilities).
- IM Work with AQMD and other agencies to receive grants for alternative modes of transportation and improved traffic flow.
- P AQ 3.1.1 Where fugitive dust is causing a chronic public nuisance or the air quality is in exceedance of PM 10 standards, consider adopting a dust control policy that requires preparation and approval of a dust control plan.
- IM Prepare and enforce a dust reduction ordinance that addresses mobile and stationary sources.
- P AQ 3.1.2 Cooperate with local, regional, state and federal jurisdictions to better control fugitive dust from stationary, mobile and area sources.
- IM Prepare and enforce a dust reduction ordinance that addresses mobile and stationary sources.
- P AQ 3.1.3 Ensure that vehicles do not transport aggregate or similar material upon a highway unless the material is stabilized or covered, in accordance with state law and AQMD regulations.
- IM Prepare and enforce a dust reduction ordinance that addresses mobile and stationary sources.
- P AQ 3.1.4 Consider rerouting the Duarte fixed route bus system to help minimize vehicle trips.
- IM Review Duarte's fixed route system annually to provide service and efficiency.
- P Circ 1.1.1 Development, implement, and refine local east/west traffic flow elements to allow traffic to move through and within Duarte in an expeditious manner including improving the Huntington Drive bridge over the San Gabriel River.
- P Circ 1.1.2 Implement the roadway plan provided in the Circulation Element to meet the transportation needs of the citizens.
- P Circ 1.1.3 Widen substandard streets and alleys to meet the city standards where feasible.

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- P Circ 1.1.4 Evaluate the traffic impacts of new development and require developers to employ appropriate mitigation measures to reduce traffic or improve roadway and traffic conditions.
- P Circ 1.1.5 Evaluate the traffic impacts from development projects in adjacent cities and work cooperatively with those cities to develop mitigation measures that will improve traffic conditions in Duarte.
- P Circ 1.1.6 Pursue and provide adequate right-of-way to accommodate future circulation system improvements.
- P Circ 2.1.2 Restrict heavy duty truck traffic to arterial roadways.
- P Circ 2.1.3 Continue the practice of responding to resident complaints and requests regarding residential street traffic problems.
- P Circ 2.1.5 Appropriate mitigation measures should be implemented to ensure that the adverse impacts from trucks and employee traffic can be reduced.
- P Circ 3.1.1 Continue to promote the development of the MTA Gold Line and a Duarte station.
- P Circ 3.1.2 Coordinate Duarte Transit System with MTA, Foothill Transit and to service major destinations within Duarte including City of Hope, Duarte Gold Line Station and proposed City Center area.
- P Circ 3.1.3 Promote the linking of local public transit routes with that of adjacent jurisdictions and other transit agencies.
- P Circ 3.1.4 Ensure that new developments incorporate both local and regional transit measures into the project design that promote the use of alternate modes of transportation.
- P Circ 3.1.5 Provide incentives for appropriate pedestrian and bicycle facilities throughout Duarte, particularly for bike lanes to the Gold Line Station.
- P LU 2.1.3 Provide for the shopping and service needs of residents by conveniently clustering commercial establishments in such a way to encourage "one-stop" shopping.
- P LU 2.1.7 Make every effort to ensure that industry and residences, where located in close proximity, will be compatible neighbors with non-industrial uses located nearby, and with neighboring cities as well.
- P LU 3.1.2 Develop a flexible specific and strategic plan for the commercial area along the Huntington Drive and Buena Vista axis capturing traffic off the I-210 freeway.
- P LU 3.1.4 Create a flexible mixed-use Transit Oriented Development Specific Plan for the current non-residential area north of the Gold Line Station.
- P LU 3.1.5 If the Duarte Gold Line Station becomes a reality before 2020, consider a thorough analysis of a potential amendment to the General Plan to provide expanded Transit Oriented Development for additional area north and west and east of the Gold Line Station.
- P LU 3.1.6 Promote the use of mixed land use techniques and construction methods to provide more housing and minimize housing costs without compromising basic health, safety, and aesthetic qualities.
- P HOU 1.1.5 Encourage use of innovative construction techniques, design standards, and energy conservation methods in new housing development, through revised zoning and subdivision and ordinances.

Pursuant to Section 4.5 of the SEIR, and consistent with Public Resource Code Section 21100(b)(2)(A) and the State CEQA Guidelines Section 15126.2(b), the City finds and declares that there are significant and unavoidable impacts involving increases in mobile and stationary source emissions at Specific Plan build out, but there are no feasible mitigation measures that would lessen the project's impact to a less than significant level. Pursuant to State CEQA Guidelines Section 15901(a), changes or alterations have been required in, or incorporated into, the project to lessen the project's impact on mobile and stationary source emissions by way to General Plan policy, but the project's impact would nonetheless still be considered significant and unavoidable.

Even with implementation of General Plan policies, no feasible mitigation measures are available which can mitigate this impact to a level below significant. Pursuant to State CEQA Guidelines Section 15093, therefore, the City has balanced the benefits (listed in the Statement of Overriding Considerations) of the project against its unavoidable environmental risks and has determined that this impact is acceptable for the reasons stated in the City's Statement of Overriding Considerations included herein.

*Finding*

Regarding impacts related to increases in mobile source emissions, cumulative short- and long-term operational emissions, and cumulative regional emissions, the City hereby makes **Finding 3** that no feasible mitigation measures or alternatives exist to mitigate the above-discussed potentially significant impacts to less than significant levels.

**Water Supply and Distribution**

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**IMPACT:**

**Implementation of the Specific Plan would result in increased demand for water supplies.**

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*Substantial Evidence*

Section 4.12 of the EIR identifies a potentially significant impact related to increases in water demand. Pursuant to the discussion in Section 4.12 of the SEIR, future development under the proposed Specific Plan could result in an overall increase in water demand. Although the 2010 Urban Water Management Plan indicates that sufficient water supplies are available to meet anticipated build-out demand within Duarte, uncertain drought conditions may affect long-term water supply.

As noted in Section 4.12, new developments would be subject to fees required by Cal Water to mitigate impacts on water services prior to connection to the water system in Duarte. Cal Water would not allow new development to connect to its water distribution system unless sufficient water supplies are available to accommodate the proposed uses. Individual projects would continue to be reviewed by Cal Water according to its standard, mandatory procedures and regulations. In addition, future development would be subject to General Plan EIR Mitigation Measure WS-1 and General Plan policies and implementation measures. However, due to the uncertainty of future water supply availability and facilities, impacts would remain significant and unavoidable.

Pursuant to Section 4.12 of the SEIR, and consistent with Public Resource Code Section 21100(b)(2)(A) and the State CEQA Guidelines Section 15126.2(b), the City finds and declares that there are significant and unavoidable impacts involving sufficient water supplies at Specific Plan build out, but no feasible mitigation measures are available that would lessen the project's impact to a less than significant level. Pursuant to State CEQA Guidelines Section 15901(a), changes or alterations have been required in, or incorporated into, the project which lessen the project's impact on water supply, but the project's impact would nonetheless still be considered significant and unavoidable. The potential significant environmental effect has been substantially lessened by virtue of the following mitigation measure as identified by the SEIR and incorporated into the project.

- WS-1 Prior to approval of project tract maps, the project owner/developer(s) shall be required to coordinate with California American Water to determine requirements necessary to mitigate impacts to water supplies and distribution on-site and off-site. Proposed projects shall implement mitigation measures, if required, to the satisfaction of California American Water and the City of Duarte.

Compliance with General Plan policies and implementation measures and Mitigation Measure WS-1 would reduce impacts on water supplies and distribution facilities. Nonetheless, significant and unavoidable impacts on water supplies and distribution facilities would result. Pursuant to State CEQA Guidelines Section 15093, therefore, the City has balanced the benefits (listed in the Statement of Overriding Considerations) of this project against its unavoidable environmental risks and has determined that this impact is acceptable for the reasons stated in the City's Statement of Overriding Considerations included herein.

*Finding*

Regarding impacts related to water supply, the City hereby makes **Finding 3** that no feasible mitigation measures or alternatives exist to mitigate the above-discussed potentially significant impacts to less than significant levels.

### ***Growth-Inducing Impacts***

Pursuant to Section 15126.2(d) of the State CEQA Guidelines, the SEIR discusses growth-inducing effects in Section 6.0 (Analysis of Long Term Effects). Growth-inducing effects include ways in which the Specific Plan could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

The proposed Specific Plan is specifically intended to provide for the orderly growth of the Planning Area to achieve economic, environmental, and quality of life benefits. Nothing in the Specific Plan proposes new infrastructure systems to facilitate growth of undeveloped areas that were not proposed in the existing General Plan. There are no proposed policies, regulations, or ordinances that are part of or implied by the Specific Plan that would encourage or enable significantly higher levels of growth than have been anticipated in regional forecasts by SCAG. Improvements to the roadways listed in this Supplemental EIR are intended to achieve desired levels of service as growth occurs, rather than facilitate growth beyond what is planned for in the existing General Plan.

Projects permitted pursuant to land use policy would provide for additional housing, create a better balance of residential and non-residential uses in the community, promote organized and pedestrian-friendly commercial development, and protect natural resources. Implementation of the Specific Plan would result in a more inclusive community, maintain a balance between housing and employment, and foster a stable economic base and diverse employment opportunities.

### ***Significant Irreversible Environmental Changes***

The proposed Specific Plan provides a regulatory framework to guide future growth into both infill and undeveloped sites within the Planning Area. Once land is developed with a certain type of land use, reversion to open space for conservation, resource management, or other purposes is highly unlikely.

An irreversible commitment of non-renewable natural resources is inherent in any development project. The proposed Specific Plan represents a long-term commitment to the consumption of energy for electricity, water and space heating, water supply and treatment, and fuels to power various modes of motorized transportation including automobiles and landscape equipment. Impacts associated with long-term energy consumption would depend on the energy sources and methods of producing energy. Typical hydrocarbon-based sources produce higher volumes of various criteria air pollutants and greenhouse gases than renewable energy sources such as wind and solar power or alternative fuel sources such as biodiesel and cellulosic ethanol. To the extent that hydrocarbon-based fuel sources are replaced with less polluting, renewable sources; emissions would be reduced.

### ***Alternatives to the Proposed Project***

The SEIR 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.

### **No Project/No Development Alternative**

Implementation of the No Project/No Development alternative assumes that no additional development would occur within the Specific Plan area; thus, the existing land use conditions and levels of development would remain static. No Specific Plan would be adopted. As was the case in the General Plan EIR, this alternative prohibits the issuance of any further building permits. This alternative would prevent the implementation of any current or future Town Center concept for the Planning Area, which would conflict with the Town Center Concept Plan adopted by the Duarte City Council in 2003 to plan for a community-oriented, walkable, mixed-use activity center in the heart of Duarte.

#### *Findings*

The No Project/No Development alternative would result in no change to the existing conditions. Therefore, no new or additional environmental impacts would result directly from this alternative. However, the No Project/No Development alternative would prevent the City from making needed improvements to existing properties, infrastructure, and public services. Existing conditions under this alternative would be maintained at first, but due to increased dependence on developer fees to provide new and improved infrastructure, property, and areas would be unimproved. Additionally, the No Project/No Development alternative would not result in any changes to existing land uses or development levels within the City and would conflict with the City's existing plans for build-out. Also, regional through traffic in the City would continue to increase and would impact both roadway capacity and noise levels in the City without the benefit of mitigation. Although the No Project/No Development alternative fails to accomplish the project objectives, it would avoid significant unavoidable impacts of the proposed Specific Plan with respect to air quality and water supply. Thus, the No Project/No Development alternative is considered environmentally superior to the proposed project.

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

### **Existing General Plan (2007) Alternative**

As required by Section 15126.6(e) of the CEQA Guidelines, the Existing General Plan alternative assumes build-out within the Specific Plan area in accordance with existing zoning and General Plan (2007) land use designations and policies. This alternative assumes that development would include build out of vacant and underutilized sites. Existing General Plan Land Use Plan applicable within the planning area are General Commercial, High Density Residential, Medium Density Residential, Low Density Residential, Public/Quasi-Public, and Administrative/Professional. The existing General Plan would not provide for a mixed-use, walkable, community-oriented environment.

#### *Findings*

The Existing General Plan alternative would result in similar environmental impacts as the proposed project for population and housing, traffic and circulation, cultural resources, and biological resources. The Existing General Plan alternative would result in increased land use and planning and aesthetic impacts because implementation of the existing General Plan would not be as supportive as the Specific Plan in terms of regional goals to reduce vehicle miles travels, increase pedestrian activity, and increased transit use through higher densities and mixed uses. In addition, the proposed Specific Plan incorporates design guidelines and standards that would improve the overall visual character within the affected area. The conditions evaluated under the Existing General Plan alternative would not serve the City as effectively as the proposed Specific Plan. Thus, the Existing General Plan is not considered environmentally superior when compared to the proposed project.

## 2 Statement of Overriding Considerations

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CEQA requires that a Lead Agency balance the benefits of a project against its unavoidable environmental risk in determining whether to approve the project. If the benefits outweigh the unavoidable adverse effects, those effects may be considered “acceptable” pursuant to State CEQA Guidelines Section 15093(a). CEQA requires that a Lead Agency support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Those reasons must be based on substantial evidence in the Environmental Impact Report (EIR) or elsewhere in the administrative record pursuant to State CEQA Guidelines Section 15093(b). The Lead Agency’s written reasons are referred to as a Statement of Overriding Considerations.

The City will approve the Duarte Town Center Specific Plan and has prepared an SEIR that satisfies the requirements of CEQA. The following adverse impacts of the project are considered significant and unavoidable based on the analysis in the Draft Supplemental EIR (DSEIR), Final EIR (FEIR), and the Findings of Fact.

- Development pursuant to the proposed Specific Plan could result in an overall increase in mobile source emissions within the City which may exceed SCAQMD air quality standards.
- Regional air quality emissions resulting from short-term and long-term operation of the proposed Specific Plan could impact regional air quality levels on a cumulative basis.
- Regional air quality emissions resulting from the proposed Specific Plan could impact regional air quality pollutant levels on a cumulative basis.
- Implementation of the Specific Plan would result in increased demand for water supplies.

The City has determined that the unavoidable adverse environmental impacts identified above are acceptable because those impacts are outweighed by the economic, social, technological, and other benefits of the project, listed below.

- The project’s implementation would provide for the orderly, integrated, and compatible development in response to existing conditions and anticipated local and regional trends.
- The circulation system within the Specific Plan Area is consistent with the Congestion Management Plan for Los Angeles County, Air Quality Management Plan, and the Regional Mobility Plan.
- The project provides a general framework for land use and infrastructure development over the next 20 years.
- The project provides for land use planning techniques such as infill and mixed-use development and development near transit that reduce environmental strain and pollution, and that promote social and physical health.
- A dynamic range of uses and activities would include restaurants and cafes opening onto sidewalks, paseos, and public plazas; increased residential and mixed-use projects to provide support for local businesses; and an enhanced built environment through unified urban design and streetscape amenities.
- The project establishes use regulations and development standards that would tailor and share building form to add new vibrancy to the entire Town Center.
- The project would facilitate the creation of a balanced community with a mix of residential, commercial, retail, services, civic, and cultural uses.
- The project would support the development of an appropriate mix of housing and commercial development to sustain the needs of the Duarte community.
- The project would result in new private investment that will boost the local economy.
- The project supports preservation and rehabilitation of historic properties.

The City hereby declares that the forgoing benefits provided to the public through the approval of the project outweigh the identified significant adverse environmental impacts of the project that cannot be mitigated. The City finds that each of the project benefits separately and individually outweighs all of the unavoidable adverse environmental effects identified in the SEIR and therefore finds those impacts to be acceptable. The City hereby finds and declares that no feasible alternative exists that both would provide all of the foregoing benefits to the public and reduce environmental impacts when compared to the project.