

**CITY COUNCIL
RESOLUTION NO. 2006-15**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DIAMOND BAR APPROVING HILLSIDE MANAGEMENT CONDITIONAL USE PERMIT NO. 2002-01, VARIANCE NO. 2005-03 AND TREE PERMIT NO. 2005-10 FOR TENTATIVE TRACT MAP NO. 53430, A 48 LOT RESIDENTIAL SUBDIVISION FOR THE EVENTUAL DEVELOPMENT OF 48 SINGLE-FAMILY CUSTOM HOMES, THE CONSTRUCTION OR RETAINING WALLS THAT EXCEED SIX FEET IN EXPOSED HEIGHT AND THE REMOVAL/REPLACEMENT OF OAK AND WALNUT TREES. THE PROJECT SITE IS LOCATED DIRECTLY SOUTH OF ROCKY TRAIL ROAD AND ALAMO HEIGHTS DRIVE AND WEST OF HORIZON LANE, DIAMOND BAR, CALIFORNIA AND DENYING THE APPEAL FILED BY DR HOFU WU, ET AL. (APN NOS. 8713-023-002, 8713-023-004, 8713-023-005, 8713-024-001 AND 8713-024-002)

A. RECITALS

1. The property owner/applicant, Millennium Diamond Road Partners, LLC, has filed an application for Conditional Use Permit No. 2002-01, Variance No. 2005-03 and Tree Permit No. 2005-10 related to Tentative Tract Map No. 53430 as described in the title of this Resolution. Hereinafter in this Resolution, the subject Conditional Use Permit, Variance and Tree Permit shall be referred to as the "Application."
2. On February 1, 2006 public hearing notices were mailed to approximately 180 property owners of record within a 1,000-foot radius of the project site. On February 1, 2006 public hearing notices were posted in three public places within the City of Diamond Bar and the project site was posted with a display board. On February 9, 2006, notification of the public hearing for this project was provided in the San Gabriel Valley Tribune and Inland Valley Daily Bulletin newspapers. Additionally, and pursuant to Public Resource Code, Section 21092.5, on February 6, 2006, agencies commenting on the project's Environmental Impact report were notified in writing of the February 21, 2006 City Council public hearing.
3. On December 13, 2005, the Planning Commission of the City of Diamond Bar conducted a duly noticed public hearing on the Application and continued the public hearing to January 10, 2006.
4. On January 10, 2006, the Planning Commission re-opened the public hearing and concluded the public hearing on the application. At that time, the

Planning Commission recommended that City Council approve Tentative Tract Map No. 53430.

5. On February 21, 2006, the City Council of the City of Diamond Bar conducted and concluded a duly noticed public hearing on the Application and appeal.

B. RESOLUTION.

NOW, THEREFORE, it is found, determined and resolved by the City Council of the City of Diamond Bar as follows:

1. This City Council hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. The City Council hereby finds that the project identified above in this Resolution required an Environmental Impact Report (EIR). EIR No. 2004-01 (SCH No. 2003051102) has been prepared according to the requirements of the California Environmental Quality Act (CEQA) and guidelines promulgated thereunder. The 45 day public review period for the EIR began August 20, 2004, and ended October 4, 2004. Furthermore, the City Council has reviewed the EIR and related documents in reference to the Application.
3. The City Council hereby specifically finds and determines that, having considered the record as a whole including the findings set forth below, and changes and alterations which have been incorporated into and conditioned upon the proposed project set forth in the application, there is no evidence before this Planning Commission that the project proposed herein will have the potential of an adverse effect on wild life resources or the habitat upon which the wildlife depends. Based upon substantial evidence, this City Council hereby rebuts the presumption of adverse effects contained in Section 753.5 (d) of Title 14 of the California Code of Regulations.
4. Based on the findings and conclusions set forth herein, this City Council hereby finds as follows:
 - (a) The project relates to vacant land located directly south of Rocky Trail Road and Alamo Heights Drive and west of Horizon Lane within a gated community identified as "The Country Estates" which consists of large single-family homes. The project site is directly south of Alamo Heights Drive which would be extended to provide access to the project site with Rocky Trail Road as a secondary emergency access.
 - (b) The project site has a General Plan land use designation of Rural Residential (RR) Maximum 1 DU/AC.

- (c) The project site is within the Single Family Residence-Minimum Lot Size 20,000 Square Feet (R-1-20,000) Zone. However, Zone Change No.2005-03 within Planning Commission Resolution No. 2006-03 recommends that the City Council approve the zone change from R-1-20,000 to Rural Residential (RR) for General Plan compliance.
- (d) Generally to the north, south, east and west, the Single Family Residence-Minimum Lot Size 20,000 square feet (R-1-20,000) and R-1-40,000 zoning districts surround the project site.
- (e) The Application request is to certify the Environmental Impact Report; to subdivide a 80 acres site into 48 parcels with a minimum lot size of one acre for the eventual development of 48 single-family custom homes; to change the existing zoning from R-1-20,000 to Rural Residential (RR); to grade and develop in a hillside area; to allow retaining walls with an exposed height of more than six feet; and to remove and replace oak and walnut trees.

Conditional Use Permit/Hillside Management

The City Council shall evaluate a Conditional Use Permit for hillside development based on the following objectives and required findings:

- (f) The preservation of natural topographic features and appearances by means of landform grading so as to blend man-made or manufactured slopes into the natural topography.

The proposed map is a 48 lot residential subdivision for the eventual development of 48 single-family custom homes. The map approval includes grading the project site in a manner that will create buildable pads for each lot, Streets "A" and Street "B" within the map boundaries and the extension of Alamo Heights Drive and Lot A for open space revegetation and Lot B for sewer lift station. The proposed project will result in changes in the existing topography of the project site. Grading will create manufactured slopes at a 2:1 (horizontal to vertical) ratio utilizing a landform grading technique. As a result, manufactured slopes will have characteristics resembling slopes created by nature. Round-off cut edges will be utilized to conform to the natural grade. Proper transitioning to natural slopes will be achieved through the use of irregular curvilinear shapes that will blend into the adjoining topography. Revegetation of the manufactured slope will be applied in patterns which occur in nature. Down slope drainage devices will be designed to follow the natural lines of the landform graded manufactured slopes, or tucked away in special swale and berm combinations in order to conceal the drains

from view. Therefore, the proposed project will provide the appearance of natural topographic features by means of landform grading so as to blend man-made or manufactured slopes into the natural topography.

- (g) The preservation of natural features and appearances through restrictions on successive padding and terracing of building sites.

The proposed map is not the type of project that would tend to utilize successive padding and terracing of building sites. The project is located within a gated community that has a General Plan land use designation of Rural Residential which prescribes minimum lot sizes at one acre and with a maximum of one dwelling unit per acre. The zoning designation as prescribe in Zone Change 2005-03 for this project also requires minimum lot sizes of one acre with a maximum of one dwelling unit per acre. As such, the proposed map is in compliance with the General Plan and will be able to accommodate the applicable development standards of the RR zoning district as well as development standards set forth in the conditions of approval.

- (h) The retention of major natural topographic features, drainage courses, steep slopes, watershed areas, vernal pools, view corridors, and scenic vistas.

The EIR (SCH No. 2003051102) has been prepared for the proposed project and has analyzed visual impacts, scenic resources, drainage courses, watershed areas, steep slopes and vernal pools. Although the project site is currently undeveloped vacant land, it does not contain any unique aesthetic features or scenic resources. Topographic features and slopes have been addressed above in Finding (f) and with mitigation measures from the Mitigation Monitoring Program that will be incorporated into the proposed project, it is anticipated that the environmental impacts related to topographic features and slopes will be mitigated to a level of less than significant.

Pursuant to the EIR, the proposed project site lies within the "Los Angeles-San Gabriel" Hydrology Unit and is in the San Gabriel River watershed boundaries. The watershed originates in the San Gabriel Mountains and eventually water discharges into the Pacific Ocean. For the project site, a drainage plan was prepared. The project site, as undeveloped land, does not contain any existing drainage facilities. Storm water currently drains into an un-named tributary of Tonner Canyon Creek. Off-site areas and manufactured slopes within the footprint of the project site would be routed via brow ditches to the southern project boundary. After construction of the project, storm

water runoff from the site would continue to drain into Tonner Canyon Creek. Therefore, the existing drainage pattern would not be substantially altered. Additionally, vernal pools are not related to the proposed project.

According to the EIR, prominent visual characteristics of the project site are the natural landscape features, including the undeveloped hillside and the natural vegetation within the project boundaries. There are no exceptional or unique aesthetic features or scenic vistas present within the project boundaries. Only existing homes adjacent to the project site or on adjacent ridgelines have views of the project site. With the incorporation of mitigation measure such as: using landform grading techniques in order to minimize the visual impacts to the natural topography and maintain the look of natural slopes to the maximum extent; revegetation of manufacture slopes on the project site with natural and drought tolerant plant material; and the planting of vegetation associated with the future new homes will contribute to the visual continuity of the project site with the surrounding environment. As a result, aesthetic and visual impacts associated with the proposed project will be less than significant.

- (i) The preservation and enhancement of prominent landmark features, significant ridgeline, natural rock outcropping, protected trees and woodlands (Chapter 22.28, Tree Preservation and Protection), and other areas of special natural beauty;

The preservation and enhancement of prominent landmark features and significant ridgeline is addressed in the above referenced Findings (f) and (h). According to the EIR, natural rock outcroppings do not exist at the project site.

According to the EIR, focused surveys were prepared for native trees and special status plants/vegetation. The potential significance of environmental impacts on biological resources has been assessed. The proposed project will impact 7.94 acres of oak woodland and 5.20 acres of walnut woodland. It is estimated that approximately 348 coast live oak and 250 scrub oak and 279 southern California black walnut trees will be impacted by this project. The EIR concluded that with the implementation of mitigation measures as prescribed in the Mitigation Monitoring Program summarized as follows, it is anticipated that the proposed map and cumulative biological resources impacts would be reduced to a level less than significant. The applicant will implement the mitigation plan, as approved by the City and according to the guidelines and performance standards of the plan.

The mitigation measures are as follows:

- *A combination of on-site or off-site preservation, enhancement, and/or restoration at no less than a 1:1 acreage ratio;*
- *Native tree protection at a 3:1 ratio to replace 348 coast live oak trees, 250 scrub oak and 279 California black walnuts;*
- *Biological monitoring;*
- *Obtain appropriate permits from California Department of Fish and Game, U.S. Fish and Wildlife Services, U.S. Army Corps of Engineers and State Water Resources Control Board;*
- *Lighting plan reviewed and approved by the City demonstrating that lighting from the project will be directed away from natural open space areas.*
- *Develop a planting schedule which requires planting to occur in late fall early winter between October 30, to January 30; and*
- *Lighting plan reviewed and approved by the City demonstrating that lighting from the project will be directed away from natural open space areas.*

- (j) *The utilization of varying setbacks, building heights, foundation design and compatible building forms, materials, and colors which serve to blend buildings into the terrain.*

The proposed map will cause the eventual development of 48 custom single-family homes. The homes will be required to comply with development standards set forth by conditions of approval within this resolution that relate to setbacks, building height and the location of accessory structures. Additionally, future homes will be required to obtain approval through the City's Development Review process. Colors and material will be required to be compatible with other homes in the surrounding area. Furthermore, the City's Design Guidelines will also apply to the development of future homes. Foundation design will be required to comply with the California Uniform Building Code.

- (k) *The utilization of clustered sites and buildings on more gently sloping terrain so as to reduce grading alterations on steeper slopes.*

As referenced above in Finding (g), the proposed map is not the type of project that would tend to utilize clustering of sites and building due to the General Plan land use designation and proposed zoning district which is in compliance with the General Plan. The project is located within a gated community that has a General Plan land use designation of Rural Residential which prescribes minimum lot sizes at one acre and with a maximum of one dwelling unit per acre. The zoning designation as prescribe in Zone Change 2005-03 for this

project also requires minimum lot sizes of one acre with a maximum of one dwelling unit per acre. As such, the proposed map is in compliance with the General Plan and will be able to accommodate the applicable development standards of the RR zoning district as well as development standards set forth in the conditions of approval. Furthermore, Finding (f) referenced above, discusses grading alterations on slopes.

- (l) The utilization of building designs, locations, and arrangements, which serve to avoid a continuous intrusive Skyline effect and which afford a few privacy and protection;

At this time, the construction of residential units is not part of the application request. The future development will be required to obtain approval through the City's Development Review process and comply with the City's Design Guidelines and comply with development standards set forth in this resolution. This process analyzes building designs, locations, and arrangements, privacy and protection.

- (m) The preservation and introduction of plant materials are to protect slopes from soil erosion and slippage and minimize the visual effect of grading and construction and hillside area.

Grading will create manufactured slopes at a 2:1 (horizontal to vertical) ratio utilizing a landform grading technique. As a result, manufactured slopes will have characteristics resembling slopes created by nature. Round-off cut edges will be utilized to conform to the natural grade. Proper transitioning to natural slopes will be achieved through the use of irregular curvilinear shapes that will blend into the adjoining topography. Revegetation of the manufactured slopes will be applied in patterns which occur in nature, thereby minimizing the visual effect of grading. The revegetation will be accomplished with suitable plant material requiring minimal cultivation and irrigation in order to thrive, thereby fostering slope stability and minimizing the potential for erosion.

- (n) The utilization of street designs and improvements which serve to minimize grading alterations and harmonize with the natural contours and character of the hillside.

The proposed project is located directly south of Rocky Trail Road and Alamo Heights Drive and west of Horizon Lane. The project proposes two streets, identified as Streets "A" and "B" and the extension of Alamo Heights that will be the main access to the project site. However, the applicant will be required to improve and extend Alamo Heights Drive to align with and be compatible with approved

Vesting Tract Parcel Map No.53670. All improvements and the extension of Alamo Heights Drive will be constructed to the satisfaction of the City Engineer.

Variance

- (o) There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of the City's Development Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts or creates an unnecessary and non-self created, hardship or unreasonable regulation which makes it obviously impractical to require compliance with the development standards.

In accordance to Development Code Section 22.52.020, an application for a Variance may be filed and considered in order to increase retaining walls heights from the allowed six feet depending on topography constraints. The applicant proposes retaining walls throughout the project site due to the topography of the site and grading activities related to cut and fills that are needed to prepare the site for 48 lots with buildable pads, streets and access points. Several of the proposed grading walls are in excess of the maximum allowed exposed height of six feet.

The retaining walls in excess of the allowed six foot height are as follows:

Lot 31

The applicant is required to provide a five foot wide planter area located adjacent to the pad and the first retaining wall and landscape the planting areas to reduce the visual and aesthetic impact from Street "A" and Lot 31.

Lots 25 and 26

The wall shall be designed as two walls, thereby reducing the height of each wall with planting areas between the walls to reduce the visual impact.

Lot A

The retaining walls proposed for the trail easement/maintenance road will remain at the 10 foot height. These walls vary in their linear design and will not create a tunnel effect (i.e., walls on both sides of the trail) and their impact can be reduced by the plant material.

The retaining wall proposed along Alamo Heights for the purpose of constructing the road is needed due to elevations of existing lots that have rear property lines at Alamo Heights and to align with and be compatible with the extension of Alamo Heights that will serve approved Vesting Tentative Tract Map No. 53670 (Yeh/five lot subdivision). The applicant has a 40 foot easement to grade and construct this retaining wall. However, the applicant is working with the owners of Lots 4, 5, 6, 7, 8, 9, and 10 of Tract 32482 and Lot 96 of Tract 30578 in order to gain an additional 50 foot easement. The additional 50 feet will eliminate the proposed retaining wall and in its place will be a landscaped 2:1 slope adjacent to Alamo Heights. The slope will be planted and maintained by the applicant and eventually by the homeowners association of the proposed map. In the event, that the applicant does not gain the additional 50 foot easement, this retaining wall will be designed and constructed as two walls with landscape area between the walls.

All retaining walls proposed on Lots 25 and 26, Lot "A" and on the west side of Alamo Heights will be constructed from Architectural Shotcrete with pockets that will contain plant material and irrigation. The Shotcrete has a natural rock appearance and the pockets of plant material will enhance that natural appearance. All other retaining walls will be constructed from decorative material such as split face block.

- (p) *Granting the Variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning districts and denied to the property owner for which the Variance is sought.*

As referenced above in Item (l), granting the Variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning districts and denied to the property owner for which the Variance is sought due to the constraint of the project site caused by topography as described in Finding (l) above.

- (q) *Granting the Variance is consistent with the General Plan and any applicable specific plan.*

Due to the constraints of the project site related to topography and an increase in wall heights will allow the applicant to develop the project site with buildable pads, service road/trail easement and the extension of Alamo Heights which is the main access to the project site. Therefore, granting the Variance will be consistent with the General Plan. The project area does not have a specific plan.

- (r) The proposed entitlement would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Before the issuance of any City permits, the proposed project is required to comply with all conditions within the approved resolutions for this project, landscaping requirements for screening the walls along with Architectural Shotcrete for wall construction and the Building and Safety Division, Public Works Department, and Fire Department requirements. The referenced agencies through the permit and inspection process will ensure that the proposed project is not detrimental to the public health, safety or welfare or materially injurious to the properties or improvements in the vicinity.

- (s) The proposed entitlement has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA).

The Planning Commission hereby finds that the project identified above in this Resolution required an Environmental Impact Report (SCH No. 2003051102) has been prepared according to the requirements of the California Environmental Quality Act (CEQA) and guidelines promulgated thereunder. The 45 day public review period for the EIR began August 20, 2004, and ended October 4, 2004. Furthermore, the Planning Commission has reviewed the EIR and related documents in reference to the Application.

Tree Permit

- (t) Preservation of the tree is not feasible and would compromise the property owner's reasonable use and enjoyment of property or surrounding land and appropriate mitigation measures will be implemented in compliance with Section 22.38.130 (Tree Replacement/Relocation Standards)

According to the EIR prepared for the project site, focused surveys were prepared for native trees and special status plants/vegetation. The potential significance of environmental impacts on biological resources has been assessed. The proposed project will impact 7.94 acres of oak woodland and 5.20 acres of walnut woodland. It is estimated that approximately 348 coast live oak and 250 scrub oak and 279 southern California black walnut trees will be impacted by this project. The EIR concluded that with the implementation of mitigation measures as prescribed in the Mitigation Monitoring Program summarized as follows, it is anticipated that the proposed map and cumulative biological resources impacts would be reduced to a level less than significant.

- *The site for off-site mitigation will be determined in coordination with the project applicant, the City and resource agencies;*
- *A combination of on-site or off-site preservation, enhancement, and/or restoration at no less than a 1:1 acreage ratio;*
- *Native tree protection at a 3:1 ratio to replace 348 coast live oak trees, 250 scrub oak and 279 California black walnuts;*
- *Biological monitoring;*
- *Obtain appropriate permits from California Department of Fish and Game, U.S. Fish and Wildlife Services, U.S. Army Corps of Engineers and State Water Resources Control Board;*
- *Lighting plan reviewed and approved by the City demonstrating that lighting from the project will be directed away from natural open space areas; and*
- *Develop a planting schedule which requires planting to occur in late fall early winter between October 30, to January 30.*

Appeal Findings

(u) The appellant has raised the following objections to the Conditional Use Permit, Tree Permit and Variance:

- (1) Permission to construct retaining walls of extreme height (26 feet) that exceed the permitted standard height (6 feet) of the City's code is unacceptable. After the Planning Commission decided continuance of this proposal on December 13, 2005, the developer made slight changes of the wall height, but the final recommendation of the Commission still reverted back to the original unacceptable and dangerous wall height.

The applicant has a 40 foot grading easement adjacent to Alamo Heights Drive. Within this easement a retaining wall varying in height from zero to 26 feet is proposed. The retaining wall is needed for the improvement design of Alamo Heights Drive. The wall will be located on the west side of Alamo Heights Drive at the rear property lines of Lots 4, 5, 6, 7, 8, 9, and 10 of Tract 32482 and Lot 96 of Tract 30578 front on Kicking Horse Drive. The retaining wall is necessary to support Alamo Heights Drive because the street's existing elevation is much higher than the rear portion of the referenced lots. Additionally, the retaining wall is necessary to align with the extension of Alamo Heights Drive that will serve VTTM 53670 (Yeh/five lot subdivision). However, if the applicant can obtain an additional 50 foot grading easement from the property owners of the lots referenced above, the retaining wall

would be eliminated and a 2:1 landscaped and irrigated slope would be constructed in its place. The slope would be maintained by the applicant and eventually by the homeowners association of the proposed map.

Due to the extreme height of the proposed retaining wall and the concerns of the property owners of the referenced lots, the Planning Commission continued the public hearing. The Commission directed the applicant to consider reducing the wall's height and to continue working with the property owners. The applicant has agreed and the project is condition to construct two retaining walls not to exceed an exposed height of 15 feet within the 40 foot easement. The applicant is also required to heavily landscape the areas between and in front of the wall. The walls will also be constructed from architectural shot-crete with planter areas within the walls to mitigate the view impact of the walls. Additionally, the walls will be constructed accord to the specifications within the soils report and approved structural details and calculations. Furthermore, a construction permit will be issued and the appropriate inspections will occur to ensure the safety of the walls.

- (2) The proposed map demands the use of a 50 foot slope easement beyond the 40 feet street easement on our side of the street. Because of the hillside condition, this slope easement to the County of Los Angeles is recorded on both sides of the proposed street. According to the Parcel Map No. 1528 on Book 26, Page 27, there is a 200 foot slope easement (including 40 foot street easement) on the developer's side of the street. Not only does the developer not submit their slope easement for the construction of street, the developer packs additional landfill to increase its pad area for building construction on the slope easement.

The project site is within a hillside area. In order to develop the project site, grading (earth work quantities to be balance on site) is required to create pad areas for the homes. This practice is typical in Diamond Bar and in many hillside areas.

The applicant does not need the additional 50 easement from the property owners to extend and improve Alamo Heights Drive. The applicant already has a 40 foot grading easement pursuant to Tract Map No. 32482 recorded on March 26, 1992. Within this easement, the applicant could construct the proposed retaining wall(s) necessary to support Alamo Heights Drive. Additionally, the retaining wall(s) is needed because the

street's existing elevation is much higher than the rear portion of the referenced lots. Furthermore, the retaining wall is necessary to align with the extension of Alamo Heights Drive that will serve VTTM 53670 (Yeh/five lot subdivision).

- (3) The proposed project will alter the current natural watershed and devastate the protected wildlife. Not only nearly 1,000 of native California oaks and plants will be wiped out, a live creek that cuts through the existing canyon will also be buried. With over two million cubic yards of landfill dumped into the existing canyon and valley, this man-made artificial plain will have difficulty withstanding the natural forces of major rain storms or earthquakes.

Through the CEQA process and the Mitigation Monitoring Program and as referenced in the DEIR, the impacts to wildlife will not be significant because of the mitigation measures that are incorporated into this project and the California Department of Fish and Game and U.S. Army Corps of Engineers permits. The mitigation measures set forth in the five-year Mitigation Monitoring Program includes a combination of on-site and off-site preservation, enhancement and or restoration at no less than a 1:1 ratio and tree replacement at a 3:1 ratio.

Animals on the project site will move into other areas but mainly Tonner Canyon. For small animals with low mobility, a biologist will be on site to move these animals prior to any construction activities. This process has taken place for many years in other cities and Diamond Bar. The most valuable place for animals is Tonner Canyon which is a significant ecological area and not the project because of the surrounding development.

The creek the residents referred to is located within the additional 50 foot easement. It is supplied by run-off water from Alamo Heights Drive and irrigation. As noted during the geotechnical investigation, it is not supplied by ground water rising to the surface. If this project is constructed, an underground pipe will be installed that will carry the run-off water to Tonner Canyon for wildlife use. If the applicant does not obtain the additional 50 foot grading easement from the residents, the creek and vegetation on their property will not be affected.

- (4) At this point, the developer has not reached any agreement or consent on the use and access of our property for constructing

the new street. With the Planning Commission's approval of the proposal, we the adjacent property owner's will be forced to accept this significantly tall wall and our basic property owner's right will be trampled. In case we are forced to comply, all wildlife habitats inside our property should not be disturbed and should be protected. The developer shall bear the responsibility of any negative impact or destruction of wildlife on our property and shall restore and retribute the wildlife in addition to penalty compensation payable to the affected property owners.

First of all, the Planning Commission did not approve the proposed project. In this case, the Planning Commission is charged with making a recommendation to the City Council. On January 10, 2006, the Planning Commission recommended that the City Council approve this project.

The property owners (appellants) of Lots 4, 5, 6, 7, 8, 9, and 10 of Tract 32482 and Lot 96 of Tract 30578 front on Kicking Horse Drive and have rear property lines adjacent to Alamo Heights Drive. If the City Council approves this project, these property owners will not be forced to give the developer a 50 foot wide grading easement adjacent to the rear property line of their properties. The applicant already has a 40 foot grading easement pursuant to Tract Map No. 32482 recorded on March 26, 1992. Within this easement the applicant could construct the proposed retaining wall necessary to support Alamo Heights Drive because the street's existing elevation is much higher than the rear portion of the referenced lots. Additionally, the retaining wall is necessary to align with the extension of Alamo Heights Drive that will serve VTTM 53670 (Yeh/five lot subdivision).

If the proposed project is approved, the applicant has agreed (and the project is conditioned) to use two retaining walls divided by a planter area and each wall not exceeding 15 feet in height. The applicant will also be required to provide a plan delineating two retaining walls with planter, irrigation, species, quantity and size of the plant material. Trees shall be a minimum 15 gallon size and planted eight feet on center. Shrubs shall be a minimum 5 gallon size and planted three feet on center. All landscaping/irrigation plans shall be reviewed and approved by the Community Development Director. All landscaping/irrigation shall be installed prior to final inspection or final occupancy. Additionally, the applicant will be responsible for the maintenance of this area. Eventually, the

homeowners association will be responsible for the maintenance of this area in perpetuity.

Through the CEQA process and the Mitigation Monitoring Program, the applicant is responsible for the impact on wildlife and habitat. As referenced in the DEIR, the impacts to wildlife will not be significant because of the mitigation measures that are incorporated into this project and the California Department of Fish and Game and U.S. Army Corps of Engineers permits. Animals on the project site will move into other areas but mainly Tonner Canyon. For small animals with low mobility, a biologist will be on site to move these animals prior to any construction activities. This process has taken place for many years in other cities and Diamond Bar. The most valuable place for animals is Tonner Canyon which is a significant ecological area and not the project because of the surrounding development.

5. Based on the findings and conclusions set forth above, the City Council hereby approves Conditional Use Permit No. 2002-01, Variance No. 2005-03 and Tree Permit No. 2005-10 related to Tentative Tract Map No. 53430 subject to the following conditions and Standard Conditions attached and referenced herein and denying the appeal:

a. GENERAL

- (1) This approval shall be null and void and of no affect unless the EIR (SCH #2003051102) is certified, and Tentative Tract Map No. 53430, the Mitigation Monitoring Program and Zone Change No. 2005-03, Conditional Use Permit No. 2002-01, Variance No. 2005-03 and Tree Permit No. 2005-10 are approved. This approval is valid for three years. Two extensions of time, one year each may be approved pursuant to Development Code Section 22.66.
- (2) This approval shall not be valid until the effective date of Zone Change No. 2005-03.

b. SITE DEVELOPMENT

- (1) Walls/retaining walls located on Lots 25 and 26, Lot 31 (secondary access/Rocky Trail Road), Lot "A" trail and maintenance easement and on the west side of Alamo Heights shall be constructed from Architectural Shotcrete with irrigated pockets in the wall for plant material. Plant material shall be the kind that cascades down the wall. Prior to final map

approval, applicant shall provide a retaining wall plan delineating the irrigation and species, quantity and size of the plant material. Trees shall be a minimum 15 gallon size and planted eight feet on center. Shrubs shall be a minimum 5 gallon size and planted three feet on center. Additionally, if required by the Building Official, a pedestrian and/or vehicle guardrail shall be installed by the applicant on top of the retaining wall(s) for safety purposes. All landscaping/irrigation plans shall be reviewed and approved by the Community Development Director.

- (2) All other walls shall be constructed from decorative material such as split face block, etc., to the satisfaction of the Director.
- (3) The retaining walls on Lots 25 and 26 adjacent to Street "B" shall be designed as two retaining walls, thereby reducing the height of each wall, with a planter area between the walls. Prior to final map approval, applicant shall provide a plan delineating two retaining walls with planter, irrigation, species, quantity and size of the plant material. Trees shall be a minimum 15 gallon size and planted eight feet on center. Shrubs shall be a minimum 5 gallon size and planted three feet on center. All landscaping/irrigation plans shall be reviewed and approved by the Community Development Director.
- (4) Two retaining walls 10 feet high for Lot 31: Provide a five foot wide planter area adjacent to the pad and the first retaining wall, and heavily landscape the five foot planter area adjacent to the pad and the planting areas between the walls to reduce the visual and aesthetic impact from Street "A" and Lot 31. Prior to final map approval, applicant shall provide a plan delineating the two retaining walls with planter areas, irrigation, species, quantity and size of the plant material. Trees shall be a minimum 15 gallon size and planted eight feet on center. Shrubs shall be a minimum five gallon size and planted three feet on center. All landscaping/irrigation plans shall be reviewed and approved by the Planning Division.
- (5) Retaining walls on the following Lots shall not exceed the exposed height as delineated in Exhibit "A" as follows:

Lots 13, 14, 15, and 16	Maximum exposed height – 10 feet
Lots 27, 28, 29, 42 and 43	Maximum exposed height – 5 feet
Lot A	Maximum exposed height –

10 feet

- (6) A trail is located within the project site. Prior to final map, the applicant shall submit a detailed plan indicating trail width, maximum slopes, physical conditions, drainage, weed control and trail surface constructed from decomposed granite in accordance with City Master Trail Plan for the Parks and Recreation Directors review and approval.
- (7) Prior to final map approval, applicant shall make a "good-faith" effort to obtain an additional 50 foot wide off-site grading easement across Lots 4, 5, 6, 7, 8, 9, and 10 of Tract 32482 and Lot 96 of Tract 30578 which have rear properties adjacent to Alamo Heights Drive. The applicant shall provide written permission to the satisfaction of the City Engineer from the property owners of said lots affected by the off-site grading. If the 50 foot wide easement is obtained, applicant shall provide irrigation and landscaping for the 50 wide foot easement on said lots and existing 40 foot wide easement adjacent to Alamo Heights Drive for a total of approximately 90 feet wide. Applicant shall maintain this 90 foot easement until the responsibility becomes part of the homeowners association. If the applicant is unable to get the additional off-site grading easement from any one of the above mentioned lots of Tracts 32482 and 30578, the applicant shall submit plans with alternative design delineating retaining walls not to exceed a maximum exposed height of 15 feet subject to the Community Development Director's review and approval prior to final map.
- (8) If the extension of Alamo Heights Drive necessitates a retaining wall on the east side of the street, the applicant shall bear full cost of the retaining wall and may be required to obtain permission from the owner of VTTM 53670. Prior to final map approval, the applicant shall submit written permission to the Public Works/Engineering Department. Any retaining walls along the east side of Alamo Heights Drive shall not be taller than six feet. Prior to final map approval, design/construction plans for the walls and landscape/irrigation plans for the planter areas shall be reviewed and approved by the Public Works/Engineering Department, Building and Safety Division and Planning Division
- (9) Applicant of TTM 53430 and owner of VTTM 53670 shall enter into a shared cost/reimbursement agreement to the center line of the street for the future extension of Alamo Heights Drive and utilities which will serve both tracts. This agreement may

include the maintenance of retaining walls with planter areas and landscaping located on the east side of Alamo Heights Drive. Prior to final map approval, said agreement shall be submitted to the City Public Works/Engineering Department and City Attorney for review and approval.

- (10) Prior to final map approval, applicant shall submit a landscape/irrigation plan for the grading easement (s) adjacent to Alamo Heights Drive for the Community Development Director's review and approval. Trees shall be a minimum 15 gallon size and planted eight feet on center. Shrubs shall be a minimum five gallon size and planted three feet on center.
- (11) The applicant/owner of TTM 53430 and VTTM 53670 shall work in "good faith" together to balance the grading on-site for the extension of Alamo Heights Drive and grading for development.
- (12) Applicant shall install wrought iron fencing/gate at the access point of the Los Angeles County's maintenance road located adjacent to Alamo Heights Drive.
- (13) Slopes beyond the graded pad within the rear portion of each residential lot shall be indicated on the final map as "Restricted Use Area". The applicant shall dedicate to the City the right to prohibit grading and erection of buildings or other structures within such restricted use areas shown on the final map.
- (14) Slope areas on Lots 30 and 31 which are adjacent to Rocky Trail Road and contain the secondary emergency access shall be identified as a letter lot (i.e. Lot "C")
- (15) Large boulders excavated on the project site shall be used as part of the landscape scheme for Lot A.

c. STREET IMPROVEMENT

- (1) Prior to final map recordation, the applicant shall submit plans delineating the improvement and extension of Alamo Heights Drive for the Public Works/Engineering Department review and approval. The improvement and extension shall align with and be compatible with Vesting Parcel Map No. 53670. The improvement and extension of Alamo Heights Drive shall be completed prior to final inspection of grading activities.

- (2) Emergency secondary access from Rocky Trail Road into the project area and the access road to the sanitary lift station shall be constructed in accordance with the Fire Department requirements and to the satisfaction of the Public Works/Engineering Department. Prior to final map approval, the applicant shall submit plans delineating the design of the secondary access and roads to the sanitary lift station to the Public Works/Engineering Department for review and approval. Said plans shall include landscaping/irrigation at the terminus of Rocky Trail Road for the secondary access.
- (3) Cul-de-sac in accordance with all applicable City standards shall be constructed at the terminus of Rocky Trail Road.

d. GRADING

- (1) As noted in the reports by Neblett and Associates, significant additional investigation and analysis of the development shall be required as the project proceeds. The findings of that investigation could result in changes to the recommended remedial grading, the establishment of building setback zones not currently recommended, and changes to other recommendations within the existing reports. The investigation shall include a detailed subsurface investigation to more accurately evaluate the geotechnical conditions for each slope onsite and shall particularly focus on the edge conditions of the tract as noted in the response report by Neblett and Associates. In addition, the investigation shall include additional laboratory testing of soil samples collected to further evaluate site conditions and engineering properties of the earth materials, including the strength parameters used in the slope stability analysis and deep fill settlement calculations.
- (2) All buttress back-cuts and remedial grading shall be final designed to be contained within the tract boundaries unless an offsite easement is executed by an adjacent landowner. Remedial grading limits, buttress keys and back-cuts, etc., shall be placed on the final 40-scale grading plan to indicate final soil disturbance limits prior to approval of grading plan submittal of final tract map approval, whichever comes first.
- (3) Any identified geologic hazard locations within the tentative map boundaries which cannot be eliminated as approved by the City Engineer shall be shown on the final map and delineated as "Restricted Use Area." The owner shall dedicate

to the City the right to prohibit the erection of buildings or other structures within such restricted use areas shown on the final map.

- (4) Concurrently with the precise grading plan check, the debris basin access road surfaces shall be approved by both the Los Angeles County Fire Department and Los Angeles County Public Works.
- (5) The applicant shall provide gates at the debris access roads to prevent access to non-maintenance personnel.

e. FIRE DEPARTMENT

- (1) Access shall comply with Section 902 of the Fire Code, which requires all weather access. All weather access may require paving.
- (2) Fire Department access shall be extended to within 150 feet distance of any interior portion of all structures.
- (3) Where driveways extend further than 300 feet and are of single access design, turnarounds suitable for fire protection equipment use shall be provided and shown on the final map. Turnarounds shall be designed, constructed and maintained to insure their integrity for Fire Department use. Where topography dictates, turnarounds shall be installed, tested and extended over 150 feet in length.
- (4) Private driveways shall be indicated on the final map as "Private Driveway and Fire Lane" with the widths clearly depicted and shall be maintained in accordance with the Fire Code. All required fire hydrants shall be installed, tested and accepted prior to construction.
- (5) This property is located within the area described by the Fire Department a "Very High Fire Hazard Severity Zone" (formerly Fire Zone 4). A Fuel Modification Plan shall be submitted and approved prior to final map approval. (Contact Fuel Modification Unit, Fire Station #32, 605 North Angeleno Avenue, Azusa, CA 91702-2904, phone # 626-969-5205).
- (6) Provide water mains, fire hydrants and fire flows as required by the County of Los Angeles Fire Department, for all land shown on map which shall be required.

- (7) Applicant shall provide fire flow for public fire hydrants at this location at 1250 gallons per minute at 20 psi for duration of 2 hours, over and above maximum daily domestic demand. Provide one hydrant flowing simultaneously, one of which shall be the furthest from the public water source.
- (8) Twelve fire hydrants shall be Installed by the applicant as required by the Fire Department.
- (9) All hydrants shall measure 6" x 4" x 2 ½" brass or bronze, conforming to current AWWA standard C503 or approval equal. All on-site hydrants shall be installed a minimum of 25 feet from a structure or protected by a two hour rated firewall.

The City Council shall:

- (a) Certify to the adoption of this Resolution; and
- (b) Forthwith transmit a certified copy of this Resolution, by certified mail, to: Millennium Diamond Road Partners, LLC, 3731 Wilshire Blvd., Suite 850, Los Angeles, CA 90010

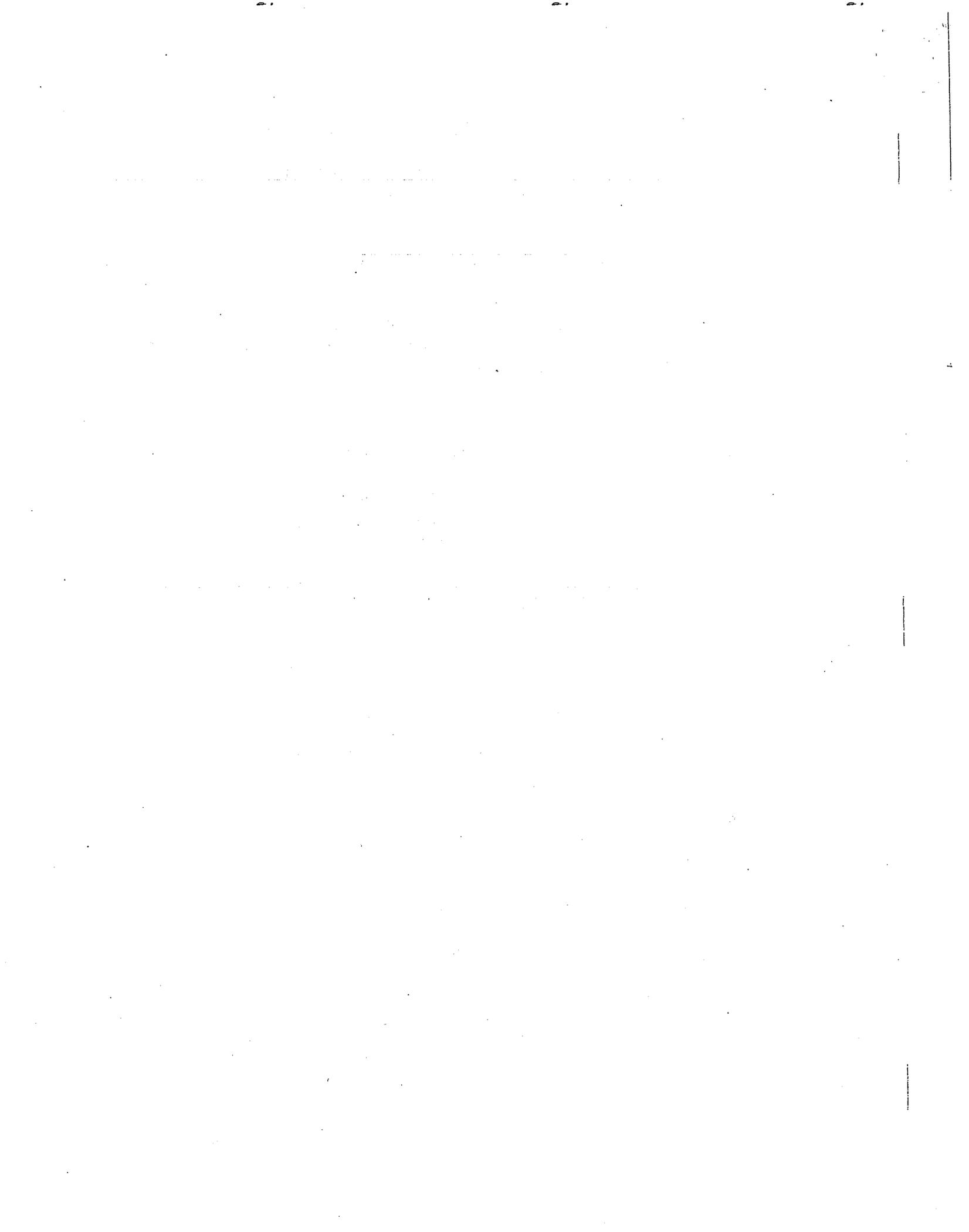
APPROVED AND ADOPTED THIS 21ST DAY OF FEBRUARY 2006, BY THE CITY COUNCIL OF THE CITY OF DIAMOND BAR.

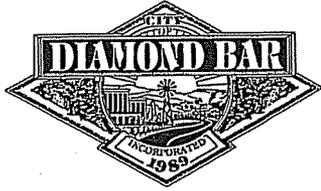
BY: Carol Herrera
 Carol Herrera, Mayor

I, Linda C. Lowry, City Clerk of the City of Diamond Bar, do hereby certify that the foregoing Resolution was duly introduced and adopted by the City Council of the City of Diamond Bar, at a regular meeting held on the 21st day of February 2006, by the following vote:

AYES:	Council Member:	Chang, Tanaka, Tye, MPT/Zirbes, M/Herrera
NOES:	Council Member:	None
ABSENT:	Council Member:	None
ABSTAIN:	Council Member:	None

Linda C. Lowry
 Linda C. Lowry, City Clerk,
 City of Diamond Bar





COMMUNITY AND DEVELOPMENT
SERVICES DEPARTMENT

STANDARD CONDITIONS (DEVELOPMENT)

Project #: TTM NO. 53430, Zone Change No. 2005-03, Conditional Use Permit No. 2002-01, Variance No. 2005-03 and Tree Permit No. 2005-10
Subject: 48 Lot Residential Subdivision
Applicant: Millenium Diamond Road Partners, LLC
Location: Directly south of Rocky Trail Road and Alamo Heights Drive west of Horizon Lane

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT.

APPLICANT SHALL CONTACT THE PLANNING DIVISION, (909) 839-7030, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

A. GENERAL REQUIREMENTS

1. In accordance with Government Code Section 66474.9(b) (1), the applicant shall defend, indemnify, and hold harmless the City, and its officers, agents and employees, from any claim, action, or proceeding to attack, set-aside, void or annul, the approval of Tentative Map No. 53430 (TTM 53430) brought within the time period provided by Government Code Section 66499.37. In the event the city and/or its officers, agents and employees are made a party of any such action:
 - (a) Applicant shall provide a defense to the City defendants or at the City's option reimburse the City its costs of defense, including reasonable attorneys fees, incurred in defense of such claims.

- (b) Applicant shall promptly pay any final judgment rendered against the City defendants. The City shall promptly notify the applicant of any claim, action of proceeding, and shall cooperate fully in the defense thereof.
2. Applicant shall include signed copies of the City Council Resolutions of Approval Nos. 2006-13, 2006-15 and 2006-15 Standard Conditions, and all environmental mitigations on the plans (full size). The sheet(s) are for information only to all parties involved in the construction/grading activities and are not required to be wet sealed/stamped by a licensed Engineer/Architect.
 3. Revised site (such as but not limited to site plan, elevations landscape/irrigation plans, grading plans, etc.) incorporating all Conditions of Approval shall be submitted by the applicant for Planning Division review and approval prior to final map, grading permit issuance and plan check submittal.
 4. Notwithstanding any previous subsection of the resolution, the Department of Fish and Game requires payment of the fee pursuant to Section 711.4 of that Fish and Game Code. Said payment shall be made by the applicant to the city within five days of this approval.
 5. The project site shall be maintained and operated in full compliance with the conditions of approval and all laws, or other applicable regulations.
 6. Approval of this project shall not waive compliance with all sections of the Development Code, all other applicable City Ordinances, and any applicable Specific Plan in effect at the time of building permit issuance.
 7. All site, grading, landscape, irrigation, and street improvement plans shall be coordinated for consistency prior to issuance of any permits (such as grading, tree removal, encroachment, building, etc.,) or prior to final map approval in the case of a custom lot subdivision, or approved use has commenced, whichever comes first.
 8. Prior to any use of the project site or business activity being commenced thereon, all conditions of approval shall be completed.

B. FEES/DEPOSITS

1. Applicant shall pay development fees (including but not limited to Planning, Building and Safety and Public Works/Engineering Department and Mitigation Monitoring, etc.) at the established rates, prior to final map approval, issuance of building or grading permit (whichever comes first), as required by the City. School fees shall be paid prior to the issuance of

building permit. In addition, the applicant shall pay all remaining prorated City project review and processing fees prior to the map's recordation or issuance of building permit, whichever come first.

2. Prior to final map approval, the applicant shall pay a fee to the City in-lieu of dedication for parkland pursuant to Subdivision Ordinance Chapter 21.32.
3. Prior to any public hearing or final map approval, all deposit accounts for the processing of this project shall have no deficits.
4. Notwithstanding any previous subsection of the resolution, the Department of Fish and Game requires payment of the fee pursuant to Section 711.4 of that Fish and Game Code. Said payment shall be made by the applicant to the city within five days of this grant's approval.

C. TIME LIMITS

1. This approval shall not be effective for any purpose until the applicant and owner of the property involved have filed within 15 days of approval of this map, at the City of Diamond Bar Community and Development Services Department/Planning Division an Affidavit of Acceptance stating that they are aware of it and agreed to accept all the conditions of this approval. Further, this approval shall not be effective until the applicant pays all remaining Planning Division fees.
2. This approval is valid for three years. An extension of time may be requested in writing and shall only be considered if submittal to the City no less than 60 days prior to approval expiration's date.

D. SITE DEVELOPMENT

1. The project site shall be developed in substantial conformance with TTM 53430, except as conditions herein, and as conditioned in Zone Change No. 2005-03, Conditional Use Permit No. 2002-01, Variance No. 2005-03 and Tree Permit No. 2005-10 submitted to and recommended for approval by the Planning Commission to the City Council collectively attached hereto as Exhibit "A"-subdivision map, Exhibit "C"-Statement of Overriding Consideration, Exhibit "D"-Mitigation Monitoring Program dated December 6, 2005, and Environmental Impact Report (SCH No. 2003051102) dated August 17, 2005, and Update information for VTTM 53430 Environmental Impact Report dated October 13, 2005, as modified herein.
2. The Mitigation Monitoring Program outlined in Environmental Impact Report (SCH No. 2003051102) (EIR) and approved by the City shall be implemented, complied with and completed within five years. The mitigation monitoring fees shall be deposited with the City, 90 days prior to the

issuance of a grading permit. All costs related to the ongoing monitoring shall be secured from the applicant and received by the City prior to the approval of the final map.

3. Proposed future custom single-family residential units shall comply with the City's Development Review process.
4. Prior to final map recordation or prior to grading permit issuance (whichever occurs first), the applicant shall negotiate to annex into "The Country Estates" Homeowners Association. If annexation occurs, each lot of TTM 53430 shall be subject to "The Country Estates" Covenant, the Conditions and Restrictions (CC&R's).
5. A Home Owner's Association (HOA) shall be formed. The HOA shall have Conditions and Restrictions (CC&R's) that are compatible with the "The Country Estates" Homeowners Association CC&R's. The CC&R's and Articles of Incorporation of the homeowners association are subject to the approval of the Planning and Public Works/Engineering Department and the City Attorney. The CC&Rs shall be recorded concurrently with the Final Map or prior to the issuance of any City permits, whichever occurs first. A recorded copy shall be provided to the City Engineer. The homeowners association shall submit to the Planning Division a list of the name and address of the officers on or before January 1 of each and every year and whenever said information changes.
6. Prior to the issuance of any City permits, the Applicant shall complete and record a "Covenant and Agreement to Maintain a Single-Family Residence" on a form to be provided by the City. The covenant shall be completed and recorded with the Los Angeles County Records Office.
7. The Covenants, Conditions, and Restrictions (CC&Rs) and Articles of Incorporation of the Homeowners' Association are subject to the approval of the Planning and Engineering Divisions and the City Attorney. They shall be recorded concurrently with the Final Map or prior to the issuance of building permits, whichever occurs first. A recorded copy shall be provided to the City Engineer. The Homeowners' Association shall submit to the Planning Division a list of the name and address of their officers on or before January 1 of each and every year and when ever said information changes.
8. Prior to the final map recordation or issuance of building permit, whichever come first, the application shall provide the City with a "Buyer's Awareness Package." for the City's review and approval. The "Buyer's Awareness Package" shall include, but is not limited to, information pertaining to geological issues regarding the property, wildlife corridors, oak and walnut trees, natural vegetation preservation issues, maintenance program for urban pollutant basins, fuel modification, all mitigation measures within the

Mitigation Monitoring Program and Exhibit "A" which delineates each lot's building envelope, explanatory information pertaining to restrictions on the use of properties as necessary, and similar related matters. The applicant shall give each buyer a copy of the "Buyer's Awareness Package" and shall document their receipt of the same in the escrow instructions of each lot and document their receipt to the City.

9. Applicant, through the "Buyer's Awareness Program" shall segregate green waste for reuse as specified under the City's Source Reduction Recycling Element, and County Sanitation District's waste division policies.
10. All single-family residential units shall be required to obtain Development Review approval. Additionally, single-family residential dwelling units shall use the following development standards:
 - (a) Front yard setback minimum 30 feet from front property line;
 - (b) Side yard setbacks minimum 10 and 15 feet from the edge of the buildable pad or side property lines, whichever is applicable;
 - (c) Distance between single-family residential dwelling units shall be a minimum of 40 feet;
 - (d) Rear yard setback minimum 25 feet from the edge of the buildable pad or rear property line, whichever is applicable; and
 - (e) Buildable pad coverage with structures shall not exceed 30 percent;
 - (f) Accessory structures shall utilize setback distances from the edge of pad or property line whichever is applicable and be consistent with the Rural Residential zoning district at the time of permit issuance; and
 - (g) Each custom home shall have a unique and individualistic architectural style that truly reflects a custom designed home. The design elements shall stay true to the architectural style.
11. All ground-mounted utility appurtenances such as transformers, air conditioning condensers, etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berms, and/or landscaping to the satisfaction of the Planning Division.
12. Prior to final map approval or issuance of building permit, whichever come first, street names shall be submitted for City review and approval. Street names shall not duplicate existing streets within the City of Diamond Bar's postal service zip code areas.
13. All building numbers and individual units shall be identified in a clear and concise manner, including proper illumination. House numbering plans shall be submitted to and approved by the City Engineer prior to issuance of building permits.

14. All lighting fixtures adjacent to interior property lines shall be approved by the Planning Division as to type, orientation and height.

E. LANDSCAPE, PRESERVED AND PROTECTED TREES

1. Prior to final map approval, a detailed landscape and irrigation plans shall be prepared by a licensed landscape architect and submitted to the Planning Division for review and approval.
2. Prior to final map approval, a fuel modification plan for landscape/irrigation prepared by a registered landscape architect shall be submitted for Planning Division review and approval. Prior to final map approval, a fuel modification plan for landscape/irrigation prepared by a registered landscape architect shall be submitted for Planning Division review and approval.
3. Prior to the issuance of a grading permit or the initiation of any activity that involves the removal/disturbance of oak and walnut woodland habitat, the applicant shall develop a detail oak and walnut woodland mitigation plan in accordance with the EIR's Mitigation Program and submit the plan to the Planning Division for review and approval. Mitigation shall include on site and/or offsite preservation and or restoration at no less than 1:1 acreage ratio. The native trees protected under the City's tree preservation and protection standards require a minimum replacement ratio of 3:1. It is estimated that 348 coast live oak, 250 scrub oak and 270 southern California black walnuts will be removed by the project's development, totaling to 868 trees. However, mitigation offsite shall be in accordance with the requirements and approval of the California Department of Fish and Game. If in-lieu fees are utilized for a part of or all mitigation, this mitigation method shall also be in accordance with the requirements and approval of the California Department of Fish and Game and the City of Diamond Bar.
4. Prior to the issuance of any City permits, the applicant shall submit a revegetation landscape plan and irrigation plan for slopes within the project site for the City's review and approval. Said slope shall be landscaped at the completion of grading activities. All slope planting and irrigation and revegetation areas shall be continuously maintained in a healthy and thriving condition by the developer until each individual unit is sold and occupied by the buyer. Prior to releasing occupancy for the units, an inspection shall be conducted by the Planning Division to determine that the vegetation is in satisfactory condition.

F. SOLID WASTE

1. The site shall be maintained in a condition, which is free of debris both during and after the construction, addition, or implementation of the entitlement granted herein. The removal of all trash, debris, and refuse, whether during

or subsequent to construction shall be done only by the property owner, applicant or by a duly permitted waste contractor, who has been authorized by the City to provide collection, transportation, and disposal of solid waste from residential, commercial, construction, and industrial areas within the City. It shall be the applicant's obligation to insure that the waste contractor utilized has obtained permits from the City of Diamond Bar to provide such services.

2. Mandatory solid waste disposal services shall be provided by the City franchised waste hauler to all parcels/lots or uses affected by approval of this project.
3. If no centralized trash receptacles are provided, all trash pick-ups shall be for individual units with all receptacles shielded from public view.

APPLICANT SHALL CONTACT THE ENGINEERING/PUBLIC WORKS DEPARTMENT, (909) 839-7040, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

A. GENERAL

1. A detailed plan indicating trail widths, maximum slopes, physical conditions, fencing, and weed control, in accordance with City Master Trail drawings, shall be submitted for review and approval prior to approval and recordation of the Final Tract Map and prior to approval of street improvement and grading plans. Developer shall upgrade and construct all trails, including fencing and drainage devices, in conjunction with street improvements.
2. The applicant shall obtain a permit from the Los Angeles County Public Works Department for work within its right-of-way or connection to its facilities.
3. Any existing easement for open space, utilities, riding and hiking trails shall be relocated and/or grading performed, as necessary, to provide, for the portion within the project site, practical access for the intended use.
4. Prior to final map approval and when final map is submitted for plan check, a title report/guarantee showing all fee owners, interest holders, and nature of interest shall be submitted. An updated title report/guarantee and subdivision guarantee shall be submitted ten (10) business days prior to final map approval.
5. Prior to final map approval, written certification that all utility services and any other service related to the site shall be available to serve the proposed project and shall be submitted to the City. Such letters shall be issued by the

district, utility and cable television company, within ninety (90) days prior to final map approval.

6. Prior to final map approval, applicant shall submit to the City Engineer the detail cost estimates for bonding purposes of all public improvements.
7. Prior to final map approval, if any public or private improvements required as part of this map have not been completed by applicant and accepted by the City, applicant shall enter into a subdivision agreement with the City and shall post the appropriate security.
8. Prior to final map approval all site grading, landscaping, irrigation, street, sewer and storm drain improvement plans shall be approved by the City Engineer, surety shall be posted, and an agreement executed guaranteeing completion of all public and private improvements.
9. Prior to issuance of grading permits, surety shall be posted and an agreement executed guaranteeing completion of all drainage facilities necessary for dewatering all parcels to the satisfaction of the City Engineer.
10. Any details or notes which may be inconsistent with requirement or ordinances, general conditions or approval, or City policies shall be specifically approved in other conditions or ordinance requirements are modified to those shown on the tentative parcel map upon approval by the Advisory agency.
11. All identified geologic hazards within the tentative tract map boundaries which cannot be eliminated as approved by the City Engineer shall be indicated on the final map as "Restricted Use Area" subject to geologic hazard. The applicant shall dedicate to the City the right to prohibit the erection of buildings or other structures within such restricted use areas shown on the final map.
12. Easements for disposal of drainage water onto or over adjacent parcels shall be delineated and shown on the final map, as approved by the City Engineer.
13. Prior to finalization of any development phase, sufficient street, sewer, and drainage improvements shall be completed beyond the phase boundaries to assure secondary access, proper outfall for sewers and drainage protection to the satisfaction of the City Engineer. Phase boundaries shall correspond to lot lines shown on the final map.
14. Applicant shall label and delineate on the final map any private drives or fire lanes to the satisfaction of the City Engineer.

15. Easements, satisfactory to the City Engineer and the utility companies, for public utility and public services purposes shall be offered and shown on the final map for dedication to the City.
16. After the final map records, applicant shall submit to the Public Works/Engineering Department, at no cost to the City, a full size reproducible copy of the recorded map. Final approval of the public improvements shall not be given until the copy of the recorded map is received by the Engineering Division.
17. Prior to occupancy, the applicant shall provide to the City as built mylars, stamped by appropriate individuals certifying the plan for all improvements at no cost to the City.
18. All improvements for the subject tract shall be coordinated with any existing or proposed maps including Tract Map 53670.
19. Applicant shall contribute funds to a separate engineering trust deposit against which charges can be made by the City or its representatives for services rendered. Charges shall be on an hourly basis and shall include any City administrative costs.
20. Applicant shall provide digitized information in an Auto CADD format defined by the City for all related plans, at no cost to the City.
21. All activities/improvements proposed for this map shall be wholly contained within the boundaries of the map. Should any off-site activities/improvements be required, approval shall be obtained by the applicant from the affected property owner and the City as required by the City Engineer.
22. Applicant shall submit document(s) from Diamond Bar Country Estates Association indicating the project will have proper/adequate right-of-entry to the subject site.

B. GRADING

1. No grading or any staging or construction shall be performed prior to final map approval by the City Council and map recordation. All pertinent improvement plans shall be approved by the City Engineer prior to final map approval by the City Council.
2. Retaining wall design and calculations shall be submitted to the Building and Safety Division for review and approval concurrently with the grading plan check.

3. Exterior grading and construction activities and the transportation of equipment and materials and operation of heavy grading equipment shall be limited to between the hours of 7:00 a.m. and 5:00 p.m., Monday through Saturday. Dust generated by grading and construction activities shall be reduced by watering the soil prior to and during the activities and in accordance with South Coast Air Quality Management District Rule 402 and Rule 403. Reclaimed water shall be utilized whenever possible. Additionally, all construction equipment shall be properly muffled to reduce noise levels.
4. All equipment staging areas shall be located on the project site and shall be approved by the Public Works/Engineering Department. Staging area, including material stockpile and equipment storage area, shall be enclosed within a 6 foot-high chain link fence. All access points in the defense shall be locked whenever the construction site is not supervised.
5. Precise grading plans for each lot shall be submitted to the Community and Development Services Department/Planning Division for approval prior to issuance of building permits. (This may be on an incremental or composite basis).
6. Grading of the subject property shall be in accordance with the California Building Code, City Grading Ordinance, Hillside Management Ordinance and acceptable grading practices. The maximum grade of driveways serving building pad areas shall be 15 percent.
7. At the time of submittal of the 40-scale grading plan for plan check, a detailed soils and geology report shall be submitted to the City Engineer for approval. Said report shall be prepared by a qualified engineer and/or geologist licensed by the State of California. Prior to the issuance of a grading permit, the report shall address, but not be limited to the following:
 - a. Stability analyses of daylight shear keys with a 1:1 projection from daylight to slide plane; a projection plane shall have a safety factor of 1.5.
 - b. All soils and geotechnical constraints (i.e., landslides, shear key envelopes. Restricted use areas and structural setbacks shall be considered and delineated prior to recordation of the final map.
 - c. Soil remediation measures shall be designed for a "worst case" geologic interpretation subject to verification in the field during grading.
 - d. The extent of any remedial grading into natural areas shall be clearly defined on the grading plans.
 - e. Areas of potential for debris flow shall be defined and proper remedial measures implemented as approved by the City Engineer.

- f. Gross stability of all fill slopes shall be analyzed as part of geotechnical report, including remedial fill that replaces natural slope.
 - g. Stability of all proposed slopes shall be confirmed by analysis as approved by the City Engineer.
 - h. All geologic data including landslides and exploratory excavations must be shown on a consolidated geotechnical map using the 40-scale final grading plan as a base.
 - i. All geotechnical and soils related findings and recommendations shall be reviewed and approved by the City Engineer prior to issuance of any grading permits and recordation of the final map.
- 8. Prior to issuance of grading permits, storm drain improvement plans shall be approved by the City Engineer and Los Angeles County and surety shall be posted and an agreement executed guaranteeing completion of all drainage facilities to the satisfaction of the City Engineer.
 - 9. Final grading plans shall be designed in compliance with the recommendations of the final detailed soils and engineering geology reports. All remedial earthwork specified in the final report shall be incorporated into the grading plans. Final grading plans shall be signed and stamped by a California registered Civil Engineer, registered Geotechnical Engineer and registered Engineering Geologist and approved by the City Engineer.
 - 10. A Standard Urban Stormwater Management Plan (SUSMP) conforming to City Ordinance is required to be incorporated into the grading plan and approved by the City Engineer. The applicant shall incorporate Structural or Treatment Control Best Management Practices for storm water runoff into the grading plans for construction and post-construction activities respectively.
 - 11. All slopes shall be seeded per landscape plan and/or fuel modification plan with native grasses or planted with ground cover, shrubs, and trees for erosion control upon completion of grading or some other alternative method of erosion control shall be completed to the satisfaction of the City Engineer and a permanent irrigation system shall be installed.
 - 12. Prior to the issuance of any City permits, the applicant shall submit an erosion control plan which shall be approved by the City Engineer. The erosion control plan shall be made in accordance to the City's NPDES requirements.
 - 13. Prior to the issuance of any City permits, the applicant shall submit a stockpile plan showing the proposed location for stockpile for grading export materials, and the route of transport for the City Engineer's review and approval

14. Applicant shall prepare a horizontal control plan and submit concurrently with the grading plan for review and approval.
15. Prior to the issuance of building permits, a pre-construction meeting shall be held at the project site with the grading contractor, applicant, and city grading inspector at least 48 hours prior to commencing grading operations.
16. Applicant shall submit rough Grade certifications by project soils engineer prior to issuance of building permits for the foundations of structures. Retaining wall permits may be issued without a rough grade certificate.
17. Applicant shall submit final grade certifications by project soils and civil engineers to the Public Works/Engineering Department prior to the issuance of any project final inspections/certificate of occupancy.

C. DRAINAGE

1. All terrace drains and drainage channels shall be constructed in muted earth tones, native rock or as required by the Director so as not to impart adverse visual impacts. Terrace drains shall follow landform slope configuration and shall not be placed in an exposed positions. All down drains shall be hidden in swales diagonally or curvilinear across a slope face.
2. All drainage improvements necessary for dewatering and protecting the subdivided properties shall be installed prior to issuance of building permits, for construction upon any parcel that may be subject to drainage flows entering, leaving, or within a parcel relative to which a building permit is requested.
3. Prior to placement of any dredged or fill material into any U.S.G.S. blue line stream bed, a 404 permit shall be obtained from the Army Corps of Engineers and an agreement with the California Department of Fish and Game shall be obtained and submitted to the City Engineer.
4. Storm drainage facilities shall be constructed within the street right-of-way or in easements satisfactory to the City Engineer and the Los Angeles County Flood Control Districts. All storm drain facilities plans shall be plan checked by the County of Los Angeles and all fees required shall be paid by the applicant.
5. A final drainage study and final drainage/storm drain plan in a 24" x 36" sheet format shall be submitted to and approved by the City Engineer and Los Angeles Public Works Department prior to grading permit. All drainage facilities shall be designed and constructed as required by the City Engineer and in accordance with County of Los Angeles Standards. Private (and

future) easements for storm drain purposes shall be offered and shown on the final map for dedication to the City.

6. Prior to the issuance of a grading permit, the applicant shall submit a complete hydrology and hydraulic study which shall be prepared by a Civil Engineer registered in the State of California to the satisfaction of the City Engineer and Los Angeles Public Works Department.
7. Prior to the issuance of a grading permit, the applicant shall submit a final drainage study and final drainage/storm drain plan in a 24" x 36" sheet format to be reviewed and approved by the City Engineer and Los Angeles Public Works Department. All drainage facilities shall be designed and constructed as required by the City Engineer and in accordance with County of Los Angeles Standards. Private (and future) easements for storm drain purposes shall be offered and shown on the final map for dedication to the City.
8. Prior to the issuance of a grading permit, a comprehensive maintenance plan/program shall be submitted by the applicant concurrently with the storm drain plans to the Public Works/Engineering Department for review and approval by the City Engineer.
9. All identified flood hazard locations within the tentative map boundaries which cannot be eliminated as approved by the City Engineer shall be shown on the final map and delineated as "Flood Hazard Area."

D. STREET IMPROVEMENT

1. The applicant shall replace and record any centerline ties and monuments that are removed as part of this construction with the Los Angeles County Public Works Survey Division.
2. Prior to the issuance of any City permits, the applicant shall provide written permission to the satisfaction of the City from any property owners which will be affected by offsite grading.
3. Street improvement plans in a 24" x 36" sheet format, prepared by a registered Civil Engineer, shall be submitted to and approved by the City Engineer. Streets shall not exceed a maximum slope of 12 percent.
4. New street centerline monuments shall be set at the intersections of two or more streets, intersections of streets with tract boundaries and to mark the beginning and ending of curves or the points of intersection of tangents thereof. Survey notes showing the ties between all monuments set and four (4) durable reference points for each shall be submitted to the City Engineer

for approval in accordance with City Standards, prior to issuance of Certificate of Occupancy.

5. The design and construction of private street improvements shall be set to City and County standards and designed to a design speed of 35 mph.
6. Prior to building occupancy, applicant shall construct base and pavement for all streets in accordance with soils report prepared by a California registered soils engineer and approved by the City Engineer or as otherwise directed by the City Engineer.
7. Prior the issuance of any ^{Bldg}City permits, the applicant shall install street signs at all intersections within the tract per Public Works/Engineering Department requirement.
8. Prior to issuance of building permits, a house numbering plans shall be submitted to the Public Works/Engineering Department for review and approved and each lot shall be identified by the approved address.
9. All building numbers and individual units shall be identified in a clear and concise manner, including proper illumination.

E. UTILITIES

1. Prior to final map recordation, easements, satisfactory to the City Engineer and the utility companies, for public utility and public services purposes shall be offered and shown on the detailed site plan for dedication to the City.
2. Prior to final map approval, a water system with appurtenant facilities to serve all lots/parcels in the land division designed to the Walnut Valley Water District (WVWD) specifications shall be provided and approved by the City Engineer. The system shall include fire hydrants of the type and location as determined by the Los Angeles County Fire Department. The water mains shall be sized to accommodate the total domestic and fire flows to the satisfaction of the City Engineer, WVWD and Fire Department.
3. Prior to final map approval, the applicant shall construct or enter into an improvement agreement with the City guaranteeing construction of the necessary improvements to the existing water system according to Walnut Valley Water District (WVWD) specifications to accommodate the total domestic and fire flows as may be required by the City Engineer, WVWD and Fire Department.
4. Prior to final map, the applicant shall submit to the City written certification from all utility companies (i.e., water, phone electric, gas and cable TV, etc.,) and any other service related to the site shall be available to serve the

proposed project. Such letters shall be submitted within ninety (90) days prior issuance of grading permits.

5. Prior to recordation of final map, applicant shall provide separate underground utility services to each parcel per Section 21.30 of Title 21 of the City Code, including water, gas, electric power, telephone and cable TV, in accordance with the respective utility company standards. Easements required by the utility companies shall be approved by the City Engineer.
6. Applicant shall relocate and underground any existing on-site utilities to the satisfaction of the City Engineer and the respective utility owner.
7. Underground utilities shall not be constructed within the drip line of any mature tree except as approved by a registered arborist.

F. SEWERS

1. Prior to final map approval, the applicant shall submit a sanitary sewer area study to the City and County Engineer to verify that capacity is available in the sewerage system to be used as the outfall for the sewers in this land division. If the system is found to be of insufficient capacity, the problem shall be resolved to the satisfaction of the City and County Engineer.
2. Each dwelling unit shall be served by a separate sewer lateral which shall not cross any other lot lines. The sanitary sewer system serving the tract shall be connected to the City or District sewer system. Said system shall be of the size, grade and depth approved by the City Engineer, County Sanitation District and Los Angeles County Public Works Department and surety shall be provided and an agreement executed prior to approval of the final map.
3. Applicant shall obtain connection permit(s) from the City and County Sanitation District prior to issuance of building permits. The area within the tentative map boundaries shall be annexed into the County Consolidated Sewer Maintenance District and appropriate easements for all sewer main and trunk lines shall be shown on the final map and offered for dedication on the final map.
4. Applicant, at applicant's sole cost and expense, shall construct the sewer system in accordance with the City, Los Angeles County Public Works Department and County Sanitation District Standards prior to occupancy.

G. TRAFFIC MITIGATIONS

1. All traffic mitigations shall be implemented and constructed in accordance with the Traffic Report dated December 2003 prepared by TranSolutions and

conditions of project approval for the TTM 53430 prior to issuance of the certificate of occupancy.

APPLICANT SHALL CONTACT THE BUILDING AND SAFETY DIVISION, (909) 839-7020, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

1. Retaining wall design and calculations shall be submitted to the Building and Safety division for review and approval concurrently with the grading plan check.

APPLICANT SHALL CONTACT THE LOS ANGELES COUNTY FIRE PREVENTION FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

1. Emergency access shall be provided, maintaining free and clear, a minimum 28 foot at all times during construction in accordance with Fire Department requirements.
2. Prior to the issuance of any building permits for combustible construction, evidence shall be submitted to the Fire Department that temporary water supply for fire protection is available pending completion of the required fire protection system.
3. All required fire hydrants shall be installed and tested and accepted prior to construction. Vehicular access must be provided and maintained serviceable throughout construction.
4. Prior to the issuance of a grading permit, the applicant shall submit a fuel modification plan, landscape/irrigation plan prepared by a registered landscape architect to the Fire Department for review and approval.
5. Prior to recordation, the final map shall comply with all Fire Department requirements.